

Calendar No. 63

114TH CONGRESS
1ST SESSION**S. 1177**

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2015

Mr. ALEXANDER, from the Committee on Health, Education, Labor, and Pensions, reported the following original bill; which was read twice and placed on the calendar

A BILL

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Every Child Achieves
5 Act of 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

Sec. 4. Statement of purpose.

Sec. 5. Table of contents of the Elementary and Secondary Education Act of 1965.

TITLE I—IMPROVING BASIC PROGRAMS OPERATED BY STATE AND LOCAL EDUCATIONAL AGENCIES

Sec. 1001. Statement of purpose.

Sec. 1002. Authorization of appropriations.

Sec. 1003. School improvement and State administration.

Sec. 1004. Basic program requirements.

Sec. 1005. Parent and family engagement.

Sec. 1006. Participation of children enrolled in private schools.

Sec. 1007. Supplement, not supplant.

Sec. 1008. Coordination requirements.

Sec. 1009. Grants for the outlying areas and the Secretary of the Interior.

Sec. 1010. Allocations to States.

Sec. 1011. Maintenance of effort.

Sec. 1012. Academic assessments.

Sec. 1013. Education of migratory children.

Sec. 1014. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.

Sec. 1015. General provisions.

Sec. 1016. Report on educational stability of children in foster care.

Sec. 1017. Report on subgroup sample size.

TITLE II—HIGH-QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

Sec. 2001. Transfer of certain provisions.

Sec. 2002. Fund for the improvement of teaching and learning.

Sec. 2003. American history and civics education.

Sec. 2004. Literacy education.

Sec. 2005. Improving science, technology, engineering, and mathematics instruction and student achievement.

Sec. 2006. General provisions.

TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

Sec. 3001. General provisions.

Sec. 3002. Authorization of appropriations.

Sec. 3003. English language acquisition, language enhancement, and academic achievement.

Sec. 3004. Other provisions.

TITLE IV—SAFE AND HEALTHY STUDENTS

Sec. 4001. General provisions.

Sec. 4002. Grants to States and local educational agencies.

Sec. 4003. 21st century community learning centers.

Sec. 4004. Elementary school and secondary school counseling programs.

Sec. 4005. Physical education program.

TITLE V—EMPOWERING PARENTS AND EXPANDING OPPORTUNITY THROUGH INNOVATION

- Sec. 5001. General provisions.
- Sec. 5002. Public charter schools.
- Sec. 5003. Magnet schools assistance.
- Sec. 5004. Supporting high-ability learners and learning.
- Sec. 5005. Education innovation and research.
- Sec. 5006. Accelerated learning.
- Sec. 5007. Ready-to-Learn Television.
- Sec. 5008. Innovative technology expands children's horizons (I-TECH).
- Sec. 5009. Literacy and arts education.
- Sec. 5010. Early learning alignment and improvement grants.

TITLE VI—INNOVATION AND FLEXIBILITY

- Sec. 6001. Purposes.
- Sec. 6002. Improving academic achievement.
- Sec. 6003. Rural education initiative.
- Sec. 6004. General provisions.

TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE EDUCATION

- Sec. 7001. Indian education.
- Sec. 7002. Native Hawaiian education.
- Sec. 7003. Alaska Native education.
- Sec. 7004. Native American language immersion schools and programs.

TITLE VIII—IMPACT AID

- Sec. 8001. Purpose.
- Sec. 8002. Amendment to Impact Aid Improvement Act of 2012.
- Sec. 8003. Payments relating to Federal acquisition of real property.
- Sec. 8004. Payments for eligible federally connected children.
- Sec. 8005. Policies and procedures relating to children residing on Indian lands.
- Sec. 8006. Application for payments under sections 8002 and 8003.
- Sec. 8007. Construction.
- Sec. 8008. State consideration of payments in providing State aid.
- Sec. 8009. Definitions.
- Sec. 8010. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

- Sec. 9101. Definitions.
- Sec. 9102. Applicability to Bureau of Indian education operated schools.
- Sec. 9103. Consolidation of funds for local administration.
- Sec. 9104. Rural consolidated plan.
- Sec. 9105. Waivers of statutory and regulatory requirements.
- Sec. 9106. Plan approval process.
- Sec. 9107. Participation by private school children and teachers.
- Sec. 9108. Maintenance of effort.
- Sec. 9109. School prayer.
- Sec. 9110. Prohibitions on Federal Government and use of Federal funds.
- Sec. 9111. Armed forces recruiter access to students and student recruiting information.
- Sec. 9112. Prohibition on federally sponsored testing.
- Sec. 9113. Limitations on national testing or certification for teachers.
- Sec. 9114. Consultation with Indian tribes and tribal organizations.

- Sec. 9115. Outreach and technical assistance for rural local educational agencies.
- Sec. 9116. Evaluations.

TITLE X—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS;
OTHER LAWS; MISCELLANEOUS

PART A—EDUCATION FOR HOMELESS CHILDREN AND YOUTH

- Sec. 10101. Statement of policy.
- Sec. 10102. Grants for State and local activities.
- Sec. 10103. Local educational agency subgrants.
- Sec. 10104. Secretarial responsibilities.
- Sec. 10105. Definitions.
- Sec. 10106. Authorization of appropriations.

PART B—OTHER LAWS; MISCELLANEOUS

- Sec. 10201. Use of term highly qualified in other laws.

1 **SEC. 3. REFERENCES.**

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Elementary and Sec-
7 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

8 **SEC. 4. STATEMENT OF PURPOSE.**

9 The purpose of this Act is to enable States and local
10 communities to improve and support our Nation’s public
11 schools and ensure that every child has an opportunity to
12 achieve.

13 **SEC. 5. TABLE OF CONTENTS OF THE ELEMENTARY AND**
14 **SECONDARY EDUCATION ACT OF 1965.**

15 Section 2 is amended to read as follows:

16 **“SEC. 2. TABLE OF CONTENTS.**

17 **“The table of contents for this Act is as follows:**

- “Sec. 1. Short title.
- “Sec. 2. Table of contents.

“TITLE I—IMPROVING THE ACADEMIC ACHIEVEMENT OF THE
DISADVANTAGED

- “Sec. 1001. Statement of purpose.
- “Sec. 1002. Authorization of appropriations.
- “Sec. 1003. State administration.

“PART A—IMPROVING BASIC PROGRAMS OPERATED BY LOCAL
EDUCATIONAL AGENCIES

“SUBPART 1—BASIC PROGRAM REQUIREMENTS

- “Sec. 1111. State plans.
- “Sec. 1112. Local educational agency plans.
- “Sec. 1113. Eligible school attendance areas; schoolwide programs; targeted assistance programs.
- “Sec. 1114. School identification, interventions, and supports.
- “Sec. 1115. Parent and family engagement.
- “Sec. 1116. Participation of children enrolled in private schools.
- “Sec. 1117. Fiscal requirements.
- “Sec. 1118. Coordination requirements.

“SUBPART 2—ALLOCATIONS

- “Sec. 1121. Grants for the outlying areas and the Secretary of the Interior.
- “Sec. 1122. Allocations to States.
- “Sec. 1124. Basic grants to local educational agencies.
- “Sec. 1124A. Concentration grants to local educational agencies.
- “Sec. 1125. Targeted grants to local educational agencies.
- “Sec. 1125AA. Adequacy of funding of targeted grants to local educational agencies in fiscal years after fiscal year 2001.
- “Sec. 1125A. Education finance incentive grant program.
- “Sec. 1126. Special allocation procedures.
- “Sec. 1127. Carryover and waiver.

“PART B—ACADEMIC ASSESSMENTS

- “Sec. 1201. Grants for State assessments and related activities.
- “Sec. 1202. Grants for enhanced assessment instruments.
- “Sec. 1203. Audits of assessment systems.
- “Sec. 1204. Funding.
- “Sec. 1205. Innovative assessment and accountability demonstration authority.

“PART C—EDUCATION OF MIGRATORY CHILDREN

- “Sec. 1301. Program purpose.
- “Sec. 1302. Program authorized.
- “Sec. 1303. State allocations.
- “Sec. 1304. State applications; services.
- “Sec. 1305. Secretarial approval; peer review.
- “Sec. 1306. Comprehensive needs assessment and service-delivery plan; authorized activities.
- “Sec. 1307. Bypass.
- “Sec. 1308. Coordination of migrant education activities.
- “Sec. 1309. Definitions.

“PART D—PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN
AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK

- “Sec. 1401. Purpose and program authorization.
- “Sec. 1402. Payments for programs under this part.

“SUBPART 1—STATE AGENCY PROGRAMS

- “Sec. 1411. Eligibility.
- “Sec. 1412. Allocation of funds.
- “Sec. 1413. State reallocation of funds.
- “Sec. 1414. State plan and State agency applications.
- “Sec. 1415. Use of funds.
- “Sec. 1416. Institution-wide projects.
- “Sec. 1417. Three-year programs or projects.
- “Sec. 1418. Transition services.
- “Sec. 1419. Evaluation; technical assistance; annual model program.

“SUBPART 2—LOCAL AGENCY PROGRAMS

- “Sec. 1421. Purpose.
- “Sec. 1422. Programs operated by local educational agencies.
- “Sec. 1423. Local educational agency applications.
- “Sec. 1424. Uses of funds.
- “Sec. 1425. Program requirements for correctional facilities receiving funds
under this section.
- “Sec. 1426. Accountability.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 1431. Program evaluations.
- “Sec. 1432. Definitions.

“PART E—GENERAL PROVISIONS

- “Sec. 1501. Federal regulations.
- “Sec. 1502. Agreements and records.
- “Sec. 1503. State administration.
- “Sec. 1504. Prohibition against Federal mandates, direction, or control.
- “Sec. 1505. Rule of construction on equalized spending.

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH-
QUALITY TEACHERS, PRINCIPALS, AND OTHER SCHOOL LEADERS

- “Sec. 2001. Purpose.
- “Sec. 2002. Definitions.
- “Sec. 2003. Authorization of appropriations.

“PART A—FUND FOR THE IMPROVEMENT OF TEACHING AND LEARNING

- “Sec. 2101. Formula grants to States.
- “Sec. 2102. Subgrants to local educational agencies.
- “Sec. 2103. Local use of funds.
- “Sec. 2104. Reporting.
- “Sec. 2105. National activities of demonstrated effectiveness.
- “Sec. 2106. Supplement, not supplant.

“PART B—TEACHER AND SCHOOL LEADER INCENTIVE PROGRAM

- “Sec. 2201. Purposes; definitions.
- “Sec. 2202. Teacher and school leader incentive fund grants.
- “Sec. 2203. Reports.

“PART C—AMERICAN HISTORY AND CIVICS EDUCATION

- “Sec. 2301. Program authorized.
- “Sec. 2302. Teaching of traditional American history.
- “Sec. 2303. Presidential and congressional academies for American history and civics.
- “Sec. 2304. National activities.
- “Sec. 2305. Authorization of appropriations.

“PART D—LITERACY EDUCATION FOR ALL, RESULTS FOR THE NATION

- “Sec. 2401. Purposes; definitions.
- “Sec. 2402. Comprehensive literacy State development grants.
- “Sec. 2403. Subgrants to eligible entities in support of birth through kindergarten entry literacy.
- “Sec. 2404. Subgrants to eligible entities in support of kindergarten through grade 12 literacy.
- “Sec. 2405. National evaluation and information dissemination.
- “Sec. 2406. Supplement, not supplant.

“PART E—IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INSTRUCTION AND STUDENT ACHIEVEMENT.

- “Sec. 2451. Purpose.
- “Sec. 2452. Definitions.
- “Sec. 2453. Grants; allotments.
- “Sec. 2454. Applications.
- “Sec. 2455. Authorized activities.
- “Sec. 2456. Performance metrics; report; evaluation.
- “Sec. 2406. Supplement, not supplant.

“PART F—GENERAL PROVISIONS

- “Sec. 2501. Rules of construction.

“TITLE III—LANGUAGE INSTRUCTION FOR ENGLISH LEARNERS AND IMMIGRANT STUDENTS

- “Sec. 3001. Authorization of appropriations.

“PART A—ENGLISH LANGUAGE ACQUISITION, LANGUAGE ENHANCEMENT, AND ACADEMIC ACHIEVEMENT ACT

- “Sec. 3101. Short title.
- “Sec. 3102. Purposes.

“SUBPART 1—GRANTS AND SUBGRANTS FOR ENGLISH LANGUAGE ACQUISITION AND LANGUAGE ENHANCEMENT

- “Sec. 3111. Formula grants to States.
- “Sec. 3112. Native American and Alaska Native children in school.
- “Sec. 3113. State and specially qualified agency plans.
- “Sec. 3114. Within-State allocations.
- “Sec. 3115. Subgrants to eligible entities.

“Sec. 3116. Local plans.

“SUBPART 2—ACCOUNTABILITY AND ADMINISTRATION

“Sec. 3121. Reporting.

“Sec. 3122. Reporting requirements.

“Sec. 3123. Coordination with related programs.

“Sec. 3124. Rules of construction.

“Sec. 3125. Legal authority under State law.

“Sec. 3126. Civil rights.

“Sec. 3127. Programs for Native Americans and Puerto Rico.

“Sec. 3128. Prohibition.

“SUBPART 3—NATIONAL ACTIVITIES

“Sec. 3131. National professional development project.

“SUBPART 4—DEFINITIONS

“Sec. 3141. Definitions.

“PART B—GENERAL PROVISIONS

“Sec. 3201. Definitions.

“Sec. 3202. National clearinghouse.

“Sec. 3203. Regulations.

“TITLE IV—SAFE AND HEALTHY STUDENTS

“PART A—GRANTS TO STATES AND LOCAL EDUCATIONAL AGENCIES

“Sec. 4101. Purpose.

“Sec. 4102. Definitions.

“Sec. 4103. Formula grants to States.

“Sec. 4104. Subgrants to local educational agencies.

“Sec. 4105. Local educational agency authorized activities.

“Sec. 4106. Supplement, not supplant.

“Sec. 4107. Prohibitions.

“Sec. 4108. Authorization of appropriations.

“PART B—21ST CENTURY COMMUNITY LEARNING CENTERS

“Sec. 4201. Purpose; definitions.

“Sec. 4202. Allotments to States.

“Sec. 4203. State application.

“Sec. 4204. Local competitive grant program.

“Sec. 4205. Local activities.

“Sec. 4206. Authorization of appropriations.

“PART C—ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING
PROGRAMS

“Sec. 4301. Elementary school and secondary school counseling programs.

“PART D—PHYSICAL EDUCATION PROGRAM

“Sec. 4401. Purpose.

“Sec. 4402. Program authorized.

“Sec. 4403. Applications.

- “Sec. 4404. Requirements.
- “Sec. 4405. Administrative provisions.
- “Sec. 4406. Supplement, not supplant.
- “Sec. 4407. Authorization of appropriations.

“TITLE V—EMPOWERING PARENTS AND EXPANDING
OPPORTUNITY THROUGH INNOVATION

“PART A—PUBLIC CHARTER SCHOOLS

- “Sec. 5101. Purpose.
- “Sec. 5102. Program authorized.
- “Sec. 5103. Grants to support high-quality charter schools.
- “Sec. 5104. Facilities financing assistance.
- “Sec. 5105. National activities.
- “Sec. 5106. Federal formula allocation during first year and for successive enrollment expansions.
- “Sec. 5107. Solicitation of input from charter school operators.
- “Sec. 5108. Records transfer.
- “Sec. 5109. Paperwork reduction.
- “Sec. 5110. Definitions.
- “Sec. 5111. Authorization of appropriations.

“PART B—MAGNET SCHOOLS ASSISTANCE

- “Sec. 5201. Findings and purpose.
- “Sec. 5202. Definition.
- “Sec. 5203. Program authorized.
- “Sec. 5204. Eligibility.
- “Sec. 5205. Applications and requirements.
- “Sec. 5206. Priority.
- “Sec. 5207. Use of funds.
- “Sec. 5208. Limitations.
- “Sec. 5209. Authorization of appropriations; reservation.

“PART C—SUPPORTING HIGH-ABILITY LEARNERS AND LEARNING

- “Sec. 5301. Short title.
- “Sec. 5302. Purpose.
- “Sec. 5303. Rule of construction.
- “Sec. 5304. Authorized programs.
- “Sec. 5305. Program priorities.
- “Sec. 5306. General provisions.
- “Sec. 5307. Authorization of appropriations.

“PART D—EDUCATION INNOVATION AND RESEARCH

- “Sec. 5401. Grants for education innovation and research.

“PART E—ACCELERATED LEARNING

- “Sec. 5501. Short title.
- “Sec. 5502. Purposes.
- “Sec. 5503. Funding distribution rule.
- “Sec. 5504. Accelerated learning examination fee program.
- “Sec. 5505. Accelerated learning incentive program grants.
- “Sec. 5506. Supplement, not supplant.
- “Sec. 5507. Definitions.

“Sec. 5508. Authorization of appropriations.

“PART F—READY-TO-LEARN TELEVISION

“Sec. 5601. Ready-To-Learn.

“PART G—INNOVATIVE TECHNOLOGY EXPANDS CHILDREN’S HORIZONS (I-TECH)

- “Sec. 5701. Purposes.
- “Sec. 5702. Definitions.
- “Sec. 5703. Technology grants program authorized.
- “Sec. 5704. State applications.
- “Sec. 5705. State use of grant funds.
- “Sec. 5706. Local subgrants.
- “Sec. 5707. Reporting.
- “Sec. 5708. Authorization.

“PART H—LITERACY AND ARTS EDUCATION

“Sec. 5801. Literacy and arts education.

“PART I—EARLY LEARNING ALIGNMENT AND IMPROVEMENT GRANTS

- “Sec. 5901. Purposes; definitions.
- “Sec. 5902. Early learning alignment and improvement grants.
- “Sec. 5903. Authorization of appropriations.

“TITLE VI—FLEXIBILITY AND ACCOUNTABILITY

“Sec. 6001. Purposes.

“PART A—IMPROVING ACADEMIC ACHIEVEMENT

“SUBPART 1—FUNDING TRANSFERABILITY FOR STATE AND LOCAL EDUCATIONAL AGENCIES

- “Sec. 6111. Short title.
- “Sec. 6112. Purpose.
- “Sec. 6113. Transferability of funds.

“SUBPART 2—WEIGHTED STUDENT FUNDING FLEXIBILITY PILOT PROGRAM

“Sec. 6121. Weighted student funding flexibility pilot program.

“PART B—RURAL EDUCATION INITIATIVE

- “Sec. 6201. Short title.
- “Sec. 6202. Purpose.

“SUBPART 1—SMALL, RURAL SCHOOL ACHIEVEMENT PROGRAM

- “Sec. 6211. Use of applicable funding.
- “Sec. 6212. Grant program authorized.
- “Sec. 6213. Academic achievement assessments.

“SUBPART 2—RURAL AND LOW-INCOME SCHOOL PROGRAM

- “Sec. 6221. Program authorized.
- “Sec. 6222. Uses of funds.

- “Sec. 6223. Applications.
- “Sec. 6224. Accountability.
- “Sec. 6225. Choice of participation.

“SUBPART 3—GENERAL PROVISIONS

- “Sec. 6231. Annual average daily attendance determination.
- “Sec. 6232. Supplement, not supplant.
- “Sec. 6233. Rule of construction.
- “Sec. 6234. Authorization of appropriations.

“PART C—GENERAL PROVISIONS

- “Sec. 6301. Prohibition against Federal mandates, direction, or control.
- “Sec. 6302. Rule of construction on equalized spending.

“TITLE VII—INDIAN, NATIVE HAWAIIAN, AND ALASKA NATIVE
EDUCATION

“PART A—INDIAN EDUCATION

- “Sec. 7101. Statement of policy.
- “Sec. 7102. Purpose.

“SUBPART 1—FORMULA GRANTS TO LOCAL EDUCATIONAL AGENCIES

- “Sec. 7111. Purpose.
- “Sec. 7112. Grants to local educational agencies and tribes.
- “Sec. 7113. Amount of grants.
- “Sec. 7114. Applications.
- “Sec. 7115. Authorized services and activities.
- “Sec. 7116. Integration of services authorized.
- “Sec. 7117. Student eligibility forms.
- “Sec. 7118. Payments.
- “Sec. 7119. State educational agency review.

“SUBPART 2—SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL
OPPORTUNITIES FOR INDIAN CHILDREN

- “Sec. 7121. Improvement of educational opportunities for Indian children and youth.
- “Sec. 7122. Professional development for teachers and education professionals.

“SUBPART 3—NATIONAL ACTIVITIES

- “Sec. 7131. National research activities.
- “Sec. 7132. Grants to tribes for education administrative planning, development, and coordination.

“SUBPART 4—FEDERAL ADMINISTRATION

- “Sec. 7141. National Advisory Council on Indian Education.
- “Sec. 7142. Peer review.
- “Sec. 7143. Preference for Indian applicants.
- “Sec. 7144. Minimum grant criteria.

“SUBPART 5—DEFINITIONS; AUTHORIZATIONS OF APPROPRIATIONS

- “Sec. 7151. Definitions.

“Sec. 7152. Authorizations of appropriations.

“PART B—NATIVE HAWAIIAN EDUCATION

- “Sec. 7201. Short title.
- “Sec. 7202. Findings.
- “Sec. 7203. Purposes.
- “Sec. 7204. Native Hawaiian Education Council.
- “Sec. 7205. Program authorized.
- “Sec. 7206. Administrative provisions.
- “Sec. 7207. Definitions.

“PART C—ALASKA NATIVE EDUCATION

- “Sec. 7301. Short title.
- “Sec. 7302. Findings.
- “Sec. 7303. Purposes.
- “Sec. 7304. Program authorized.
- “Sec. 7305. Funds for administrative purposes.
- “Sec. 7306. Definitions.

“PART D—NATIVE AMERICAN AND ALASKA NATIVE LANGUAGE IMMERSION
SCHOOLS AND PROGRAMS

“Sec. 7401. Native American and Alaska Native language immersion schools.

“TITLE VIII—IMPACT AID

- “Sec. 8001. Purpose.
- “Sec. 8002. Payments relating to Federal acquisition of real property.
- “Sec. 8003. Payments for eligible federally connected children.
- “Sec. 8004. Policies and procedures relating to children residing on Indian lands.
- “Sec. 8005. Application for payments under sections 8002 and 8003.
- “Sec. 8007. Construction.
- “Sec. 8008. Facilities.
- “Sec. 8009. State consideration of payments in providing State aid.
- “Sec. 8010. Federal administration.
- “Sec. 8011. Administrative hearings and judicial review.
- “Sec. 8012. Forgiveness of overpayments.
- “Sec. 8013. Definitions.
- “Sec. 8014. Authorization of appropriations.

“TITLE IX—GENERAL PROVISIONS

“PART A—DEFINITIONS

- “Sec. 9101. Definitions.
- “Sec. 9102. Applicability of title.
- “Sec. 9103. Applicability to Bureau of Indian Education operated schools.

“PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER
FUNDS

- “Sec. 9201. Consolidation of State administrative funds for elementary and secondary education programs.
- “Sec. 9202. Single local educational agency States.
- “Sec. 9203. Consolidation of funds for local administration.

“Sec. 9204. Consolidated set-aside for Department of the Interior funds.

“PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

“Sec. 9301. Purpose.

“Sec. 9302. Optional consolidated State plans or applications.

“Sec. 9303. Consolidated reporting.

“Sec. 9304. General applicability of State educational agency assurances.

“Sec. 9305. Consolidated local plans or applications.

“Sec. 9306. Other general assurances.

“PART D—WAIVERS

“Sec. 9401. Waivers of statutory and regulatory requirements.

“PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

“Sec. 9451. Approval and disapproval of State plans.

“Sec. 9452. Approval and disapproval of local educational agency applications.

“PART F—UNIFORM PROVISIONS

“SUBPART 1—PRIVATE SCHOOLS

“Sec. 9501. Participation by private school children and teachers.

“Sec. 9502. Standards for by-pass.

“Sec. 9503. Complaint process for participation of private school children.

“Sec. 9504. By-pass determination process.

“Sec. 9505. Prohibition against funds for religious worship or instruction.

“Sec. 9506. Private, religious, and home schools.

“SUBPART 2—OTHER PROVISIONS

“Sec. 9521. Maintenance of effort.

“Sec. 9522. Prohibition regarding State aid.

“Sec. 9523. Privacy of assessment results.

“Sec. 9524. School prayer.

“Sec. 9525. Equal access to public school facilities.

“Sec. 9526. General prohibitions.

“Sec. 9527. Prohibitions on Federal Government and use of Federal funds.

“Sec. 9528. Armed Forces recruiter access to students and student recruiting information.

“Sec. 9529. Prohibition on federally sponsored testing.

“Sec. 9530. Limitations on national testing or certification for teachers.

“Sec. 9531. Prohibition on nationwide database.

“Sec. 9532. Unsafe school choice option.

“Sec. 9533. Prohibition on discrimination.

“Sec. 9534. Civil rights.

“Sec. 9535. Rulemaking.

“Sec. 9536. Severability.

“Sec. 9537. Transfer of school disciplinary records.

“Sec. 9538. Consultations with Indian tribes and tribal organizations.

“SUBPART 3—TEACHER LIABILITY PROTECTION

“Sec. 9541. Short title.

- “Sec. 9542. Purpose.
- “Sec. 9543. Definitions.
- “Sec. 9544. Applicability.
- “Sec. 9545. Preemption and election of State nonapplicability.
- “Sec. 9546. Limitation on liability for teachers.
- “Sec. 9547. Allocation of responsibility for noneconomic loss.
- “Sec. 9548. Effective date.

“SUBPART 4—INTERNET SAFETY

- “Sec. 9551. Internet safety.

“SUBPART 5—GUN POSSESSION

- “Sec. 9561. Gun-free requirements.

“SUBPART 6—ENVIRONMENTAL TOBACCO SMOKE

- “Sec. 9571. Short title.
- “Sec. 9572. Definitions.
- “Sec. 9573. Nonsmoking policy for children’s services.
- “Sec. 9574. Preemption.

“PART G—EVALUATIONS

- “Sec. 9601. Evaluations.”.

1 **TITLE I—IMPROVING BASIC PRO-**
 2 **GRAMS OPERATED BY STATE**
 3 **AND LOCAL EDUCATIONAL**
 4 **AGENCIES**

5 **SEC. 1001. STATEMENT OF PURPOSE.**

6 Section 1001 (20 U.S.C. 6301) is amended to read
7 as follows:

8 **“SEC. 1001. STATEMENT OF PURPOSE.**

9 “The purpose of this title is to ensure that all chil-
10 dren have a fair, equitable, and significant opportunity to
11 receive a high-quality education that prepares them for
12 postsecondary education or the workforce, without the
13 need for postsecondary remediation, and to close edu-
14 cational achievement gaps.”.

1 **SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 1002 (20 U.S.C. 6302) is amended to read
3 as follows:

4 **“SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) LOCAL EDUCATIONAL AGENCY GRANTS.—For
6 the purpose of carrying out part A, there are authorized
7 to be appropriated such sums as may be necessary for
8 each of fiscal years 2016 through 2021.

9 “(b) STATE ASSESSMENTS.—For the purpose of car-
10 rying out part B, there are authorized to be appropriated
11 such sums as may be necessary for each of fiscal years
12 2016 through 2021.

13 “(c) EDUCATION OF MIGRATORY CHILDREN.—For
14 the purpose of carrying out part C, there are authorized
15 to be appropriated such sums as may be necessary for
16 each of fiscal years 2016 through 2021.

17 “(d) PREVENTION AND INTERVENTION PROGRAMS
18 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-
19 LINQUENT, OR AT-RISK.—For the purpose of carrying out
20 part D, there are authorized to be appropriated such sums
21 as may be necessary for each of fiscal years 2016 through
22 2021.

23 “(e) FEDERAL ACTIVITIES.—For the purpose of car-
24 rying out evaluation activities related to title I under sec-
25 tion 9601, there are authorized to be appropriated such

1 sums as may be necessary for each of fiscal years 2016
2 through 2021.

3 “(f) SCHOOL INTERVENTION AND SUPPORT.—For
4 the purpose of carrying out section 1114, there are au-
5 thorized to be appropriated such sums as may be nec-
6 essary for each of fiscal years 2016 through 2021.”.

7 **SEC. 1003. SCHOOL IMPROVEMENT AND STATE ADMINIS-**
8 **TRATION.**

9 The Act (20 U.S.C. 6301 et seq.) is amended—

10 (1) by striking section 1003;

11 (2) by redesignating section 1004 as section
12 1003; and

13 (3) in section 1003, as redesignated by para-
14 graph (2), by adding at the end the following:

15 “(c) TECHNICAL ASSISTANCE AND SUPPORT.—

16 “(1) IN GENERAL.—Each State may reserve
17 not more than 4 percent of the amount the State re-
18 ceives under subpart 2 of part A for a fiscal year to
19 carry out paragraph (2) and to carry out the State
20 educational agency’s responsibilities under section
21 1114(a), including carrying out the State edu-
22 cational agency’s statewide system of technical as-
23 sistance and support for local educational agencies.

1 “(2) USES.—Of the amount reserved under
2 paragraph (1) for any fiscal year, the State edu-
3 cational agency—

4 “(A) shall use not less than 95 percent of
5 such amount by allocating such sums directly to
6 local educational agencies for activities required
7 under section 1114; or

8 “(B) may, with the approval of the local
9 educational agency, directly provide for such ac-
10 tivities or arrange for their provision through
11 other entities such as school support teams,
12 educational service agencies, or other nonprofit
13 or for-profit organizations that use evidence-
14 based strategies to improve student achieve-
15 ment, teaching, and schools.

16 “(3) PRIORITY.—The State educational agency,
17 in allocating funds to local educational agencies
18 under this subsection, shall give priority to local edu-
19 cational agencies that—

20 “(A) serve the lowest performing elemen-
21 tary schools and secondary schools, as identified
22 by the State under section 1114;

23 “(B) demonstrate the greatest need for
24 such funds, as determined by the State; and

1 “(C) demonstrate the strongest commit-
2 ment to using evidence-based interventions to
3 enable the lowest-performing schools to improve
4 student achievement and student outcomes.

5 “(4) UNUSED FUNDS.—If, after consultation
6 with local educational agencies in the State, the
7 State educational agency determines that the
8 amount of funds reserved to carry out this sub-
9 section for a fiscal year is greater than the amount
10 needed to provide the assistance described in this
11 subsection, the State educational agency shall allo-
12 cate the excess amount to local educational agencies
13 in accordance with—

14 “(A) the relative allocations the State edu-
15 cational agency made to those agencies for that
16 fiscal year under subpart 2 of part A; or

17 “(B) section 1126(c).

18 “(5) SPECIAL RULE.—Notwithstanding any
19 other provision of this subsection, the amount of
20 funds reserved by the State educational agency
21 under this subsection in any fiscal year shall not de-
22 crease the amount of funds each local educational
23 agency receives under subpart 2 of part A below the
24 amount received by such local educational agency
25 under such subpart for the preceding fiscal year.

1 “(6) REPORTING.—Each State educational
2 agency shall make publicly available a list of those
3 schools that have received funds or services pursuant
4 to this subsection and the percentage of students
5 from each such school from families with incomes
6 below the poverty line.”.

7 **SEC. 1004. BASIC PROGRAM REQUIREMENTS.**

8 Subpart 1 of part A of title I (20 U.S.C. 6311 et
9 seq.) is amended—

10 (1) by striking sections 1111 through 1117 and
11 inserting the following:

12 **“SEC. 1111. STATE PLANS.**

13 “(a) PLANS REQUIRED.—

14 “(1) IN GENERAL.—For any State desiring to
15 receive a grant under this part, the State edu-
16 cational agency shall submit to the Secretary a plan,
17 developed by the State educational agency with time-
18 ly and meaningful consultation with the Governor,
19 local educational agencies (including those located in
20 rural areas), representatives of Indian tribes located
21 in the State, teachers, principals, other school lead-
22 ers, specialized instructional support personnel,
23 paraprofessionals (including organizations rep-
24 resenting such individuals), administrators, other
25 staff, and parents, that—

1 “(A) is coordinated with other programs
2 under this Act, the Individuals with Disabilities
3 Education Act, the Rehabilitation Act of 1973,
4 the Carl D. Perkins Career and Technical Edu-
5 cation Act of 2006, the Workforce Innovation
6 and Opportunity Act, the Head Start Act, the
7 Child Care and Development Block Grant Act
8 of 1990, the Education Sciences Reform Act of
9 2002, the Education Technical Assistance Act,
10 the NAEP Authorization Act, the McKinney-
11 Vento Homeless Assistance Act, and the Adult
12 Education and Family Literacy Act; and

13 “(B) describes how the State will imple-
14 ment evidence-based strategies for improving
15 student achievement under this title and dis-
16 seminate that information to local educational
17 agencies.

18 “(2) CONSOLIDATED PLAN.—A State plan sub-
19 mitted under paragraph (1) may be submitted as
20 part of a consolidated plan under section 9302.

21 “(3) PEER REVIEW AND SECRETARIAL AP-
22 PROVAL.—

23 “(A) IN GENERAL.—The Secretary shall—

24 “(i) establish a peer-review process to
25 assist in the review of State plans;

1 “(ii) establish multidisciplinary peer
2 review teams and appoint members of such
3 teams that—

4 “(I) are representative of teach-
5 ers, principals, other school leaders,
6 specialized instructional support per-
7 sonnel, State educational agencies,
8 local educational agencies, and indi-
9 viduals and researchers with practical
10 experience in implementing academic
11 standards, assessments, or account-
12 ability systems, and meeting the needs
13 of disadvantaged students, children
14 with disabilities, students who are
15 English learners, the needs of low-per-
16 forming schools, and other educational
17 needs of students;

18 “(II) include a balanced rep-
19 resentation of individuals who have
20 practical experience in the classroom,
21 school administration, or State or
22 local government, such as direct em-
23 ployees of a school, local educational
24 agency, or State educational agency
25 within the preceding 5 years; and

1 “(III) represent a regionally di-
2 verse cross-section of States;

3 “(iii) make available to the public, in-
4 cluding by such means as posting to the
5 Department’s website, the list of peer re-
6 viewers who will review State plans under
7 this section;

8 “(iv) ensure that the peer review
9 teams are comprised of varied individuals
10 so that the same peer reviewers are not re-
11 viewing all of the State plans; and

12 “(v) deem a State plan as approved
13 within 90 days of its submission unless the
14 Secretary presents substantial evidence
15 that clearly demonstrates that such State
16 plan does not meet the requirements of
17 this section.

18 “(B) PURPOSE OF PEER REVIEW.—The
19 peer-review process shall be designed to—

20 “(i) maximize collaboration with each
21 State;

22 “(ii) promote effective implementation
23 of the challenging State academic stand-
24 ards through State and local innovation;
25 and

1 “(iii) provide publicly available, time-
2 ly, and objective feedback to States de-
3 signed to strengthen the technical and
4 overall quality of the State plans.

5 “(C) STANDARD AND NATURE OF RE-
6 VIEW.—Peer reviewers shall conduct an objec-
7 tive review of State plans in their totality and
8 out of respect for State and local judgments,
9 with the goal of supporting State- and local-led
10 innovation and providing objective feedback on
11 the technical and overall quality of a State plan.

12 “(D) RULE OF CONSTRUCTION.—Nothing
13 in this paragraph shall be construed as prohib-
14 iting the Secretary from appointing an indi-
15 vidual to serve as a peer reviewer on more than
16 one peer review team under subparagraph (A)
17 or to review more than one State plan.

18 “(4) STATE PLAN DETERMINATION, DEM-
19 ONSTRATION, AND REVISION.—If the Secretary de-
20 termines that a State plan does not meet the re-
21 quirements of this subsection or subsection (b) or
22 (c), the Secretary shall, prior to declining to approve
23 the State plan—

24 “(A) immediately notify the State of such
25 determination;

1 “(B) provide a detailed description of the
2 specific requirements of this subsection or sub-
3 section (b) or (c) of the State plan that the Sec-
4 retary determines fails to meet such require-
5 ments;

6 “(C) provide all peer review comments,
7 suggestions, recommendations, or concerns in
8 writing to the State;

9 “(D) offer the State an opportunity to re-
10 vise and resubmit its plan within 60 days of
11 such determination, including the chance for
12 the State to present substantial evidence to
13 clearly demonstrate that the State plan meets
14 the requirements of this section;

15 “(E) provide technical assistance, upon re-
16 quest of the State, in order to assist the State
17 to meet the requirements of this subsection or
18 subsection (b) or (c); and

19 “(F) conduct a public hearing within 30
20 days of such resubmission, with public notice
21 provided not less than 15 days before such
22 hearing, unless the State declines the oppor-
23 tunity for such public hearing.

24 “(5) STATE PLAN DISAPPROVAL.—The Sec-
25 retary shall have the authority to disapprove a State

1 plan if the State has been notified and offered an
2 opportunity to revise and submit with technical as-
3 sistance under paragraph (4), and—

4 “(A) the State does not revise and resub-
5 mit its plan; or

6 “(B) the State revises and resubmits a
7 plan that the Secretary determines does not
8 meet the requirements of this part after a hear-
9 ing conducted under paragraph (4)(F), if appli-
10 cable.

11 “(6) LIMITATIONS.—

12 “(A) IN GENERAL.—The Secretary shall
13 not have the authority to require a State, as a
14 condition of approval of the State plan or revi-
15 sions or amendments to the State plan, to—

16 “(i) include in, or delete from, such
17 plan 1 or more specific elements of the
18 challenging State academic standards;

19 “(ii) use specific academic assessment
20 instruments or items;

21 “(iii) set specific State-designed an-
22 nual goals or specific timelines for such
23 goals for all students or each of the cat-
24 egories of students, as defined in sub-
25 section (b)(3)(A);

1 “(iv) assign any specific weight or
2 specific significance to any measures or in-
3 dicators of student academic achievement
4 or growth within State-designed account-
5 ability systems;

6 “(v) include in, or delete from, such a
7 plan any criterion that specifies, defines, or
8 prescribes—

9 “(I) the standards or measures
10 that States or local educational agen-
11 cies use to establish, implement, or
12 improve challenging State academic
13 standards, including the content of, or
14 achievement levels within, such stand-
15 ards;

16 “(II) the specific types of aca-
17 demic assessments or assessment
18 items that States and local edu-
19 cational agencies use to meet the re-
20 quirements of this part;

21 “(III) any requirement that
22 States shall measure student growth,
23 the specific metrics used to measure
24 student academic growth if a State
25 chooses to measure student growth, or

1 the specific indicators or methods to
2 measure student readiness to enter
3 postsecondary education or the work-
4 force;

5 “(IV) any specific benchmarks,
6 targets, goals, or metrics to measure
7 nonacademic measures or indicators;

8 “(V) the specific weight or spe-
9 cific significance of any measure or
10 indicator of student academic achieve-
11 ment within State-designed account-
12 ability systems;

13 “(VI) the specific annual goals
14 States establish for student academic
15 achievement or high school graduation
16 rates, as described in subclauses (I)
17 and (II) of subsection (b)(3)(B)(i);

18 “(VII) any aspect or parameter
19 of a teacher, principal, or other school
20 leader evaluation system within a
21 State or local educational agency; or

22 “(VIII) indicators or specific
23 measures of teacher, principal, or
24 other school leader effectiveness or
25 quality; or

1 “(vi) require data collection beyond
2 data derived from existing Federal, State,
3 and local reporting requirements and data
4 sources.

5 “(B) RULE OF CONSTRUCTION.—Nothing
6 in this paragraph shall be construed as author-
7 izing, requiring, or allowing any additional re-
8 porting requirements, data elements, or infor-
9 mation to be reported to the Secretary not oth-
10 erwise explicitly authorized under Federal law.

11 “(7) PUBLIC REVIEW.—All written communica-
12 tions, feedback, and notifications under this sub-
13 section shall be conducted in a manner that is trans-
14 parent and immediately made available to the public
15 through the website of the Department, including—

16 “(A) plans submitted or resubmitted by a
17 State;

18 “(B) peer-review comments;

19 “(C) State plan determinations by the Sec-
20 retary, including approvals or disapprovals; and

21 “(D) notices and transcripts of public
22 hearings under this section.

23 “(8) DURATION OF THE PLAN.—

24 “(A) IN GENERAL.—Each State plan
25 shall—

1 “(i) remain in effect for the duration
2 of the State’s participation under this part
3 or 7 years, whichever is shorter; and

4 “(ii) be periodically reviewed and re-
5 vised as necessary by the State educational
6 agency to reflect changes in the State’s
7 strategies and programs under this part.

8 “(B) ADDITIONAL INFORMATION.—

9 “(i) IN GENERAL.—If a State makes
10 significant changes to its plan at any time,
11 such as the adoption of new challenging
12 State academic standards, new academic
13 assessments, or changes to its account-
14 ability system under subsection (b)(3),
15 such information shall be submitted to the
16 Secretary in the form of revisions or
17 amendments to the State plan.

18 “(ii) REVIEW OF REVISED PLANS.—
19 The Secretary shall review the information
20 submitted under clause (i) and approve or
21 disapprove changes to the State plan with-
22 in 90 days in accordance with paragraphs
23 (4) through (6) without undertaking the
24 peer-review process under paragraph (3).

1 “(iii) SPECIAL RULE FOR STAND-
2 ARDS.—If a State makes changes to its
3 challenging State academic standards, the
4 requirements of subsection (b)(1), includ-
5 ing the requirement that such standards
6 need not be submitted to the Secretary
7 pursuant to subsection (b)(1)(A), shall still
8 apply.

9 “(C) RENEWAL.—A State educational
10 agency shall submit a revised plan every 7 years
11 subject to the peer-review process under para-
12 graph (3).

13 “(D) LIMITATION.—The Secretary shall
14 not have the authority to place any new condi-
15 tions, requirements, or criteria for approval of
16 a plan submitted for renewal under subpara-
17 graph (C) that are not otherwise authorized
18 under this part.

19 “(9) FAILURE TO MEET REQUIREMENTS.—If a
20 State fails to meet any of the requirements of this
21 section, then the Secretary may withhold funds for
22 State administration under this part until the Sec-
23 retary determines that the State has fulfilled those
24 requirements.

1 “(b) CHALLENGING STATE ACADEMIC STANDARDS,
2 ACADEMIC ASSESSMENTS, AND ACCOUNTABILITY SYS-
3 TEMS.—

4 “(1) CHALLENGING STATE ACADEMIC STAND-
5 ARDS.—

6 “(A) IN GENERAL.—Each State shall pro-
7 vide an assurance that the State has adopted
8 challenging academic content standards and
9 aligned academic achievement standards (re-
10 ferred to in this Act as ‘challenging State aca-
11 demic standards’), which achievement standards
12 shall include not less than 3 levels of achieve-
13 ment, that will be used by the State, its local
14 educational agencies, and its schools to carry
15 out this part. A State shall not be required to
16 submit such challenging State academic stand-
17 ards to the Secretary.

18 “(B) SAME STANDARDS.—Except as pro-
19 vided in subparagraph (E), the standards re-
20 quired by subparagraph (A) shall be the same
21 standards that the State applies to all public
22 schools and public school students in the State.

23 “(C) SUBJECTS.—The State shall have
24 such standards in mathematics, reading or lan-
25 guage arts, and science, and any other subjects

1 as determined by the State, which shall include
2 the same knowledge, skills, and levels of
3 achievement expected of all public school stu-
4 dents in the State.

5 “(D) ALIGNMENT.—Each State shall dem-
6 onstrate that the challenging State academic
7 standards are aligned with—

8 “(i) entrance requirements, without
9 the need for academic remediation, for the
10 system of public higher education in the
11 State;

12 “(ii) relevant State career and tech-
13 nical education standards; and

14 “(iii) relevant State early learning
15 guidelines, as required under section
16 658E(c)(2)(T) of the Child Care and De-
17 velopment Block Grant Act of 1990 (42
18 U.S.C. 9858c(c)(2)(T)).

19 “(E) ALTERNATE ACADEMIC ACHIEVE-
20 MENT STANDARDS FOR STUDENTS WITH THE
21 MOST SIGNIFICANT COGNITIVE DISABILITIES.—

22 “(i) IN GENERAL.—The State may,
23 through a documented and validated
24 standards-setting process, adopt alternate
25 academic achievement standards for stu-

1 dents with the most significant cognitive
2 disabilities, provided those standards—

3 “(I) are aligned with the chal-
4 lenging State academic content stand-
5 ards under subparagraph (A);

6 “(II) promote access to the gen-
7 eral curriculum, consistent with the
8 purposes of the Individuals with Dis-
9 abilities Education Act, as stated in
10 section 601(d) of such Act;

11 “(III) reflect professional judg-
12 ment of the highest achievement
13 standards attainable by those stu-
14 dents;

15 “(IV) are designated in the indi-
16 vidualized education program devel-
17 oped under section 614(d)(3) of the
18 Individuals with Disabilities Edu-
19 cation Act for each such student as
20 the academic achievement standards
21 that will be used for the student; and

22 “(V) are aligned to ensure that a
23 student who meets the alternate aca-
24 demic achievement standards is on

1 track for further education or employ-
2 ment.

3 “(ii) PROHIBITION ON ANY OTHER AL-
4 TERNATE OR MODIFIED ACADEMIC
5 ACHIEVEMENT STANDARDS.—A State shall
6 not develop, or implement for use under
7 this part, any alternate academic achieve-
8 ment standards for children with disabil-
9 ities that are not alternate academic
10 achievement standards that meet the re-
11 quirements of clause (i).

12 “(F) ENGLISH LANGUAGE PROFICIENCY
13 STANDARDS.—Each State plan shall dem-
14 onstrate that the State has adopted English
15 language proficiency standards that are aligned
16 with the challenging State academic standards
17 under subparagraph (A). Such standards
18 shall—

19 “(i) ensure proficiency in each of the
20 domains of speaking, listening, reading,
21 and writing;

22 “(ii) address the different proficiency
23 levels of children who are English learners;
24 and

1 “(iii) be aligned with the challenging
2 State academic standards in reading or
3 language arts, so that achieving proficiency
4 in the State’s English language proficiency
5 standards indicates a sufficient knowledge
6 of English to measure validly and reliably
7 the student’s achievement on the State’s
8 reading or language arts standards.

9 “(G) PROHIBITIONS.—

10 “(i) STANDARDS REVIEW OR AP-
11 PROVAL.—A State shall not be required to
12 submit any standards developed under this
13 subsection to the Secretary for review or
14 approval.

15 “(ii) FEDERAL CONTROL.—The Sec-
16 retary shall not have the authority to man-
17 date, direct, control, coerce, or exercise any
18 direction or supervision over any of the
19 challenging State academic standards
20 adopted or implemented by a State.

21 “(H) EXISTING STANDARDS.—Nothing in
22 this part shall prohibit a State from revising,
23 consistent with this section, any standard
24 adopted under this part before or after the date

1 of enactment of the Every Child Achieves Act
2 of 2015.

3 “(2) ACADEMIC ASSESSMENTS.—

4 “(A) IN GENERAL.—Each State plan shall
5 demonstrate that the State educational agency,
6 in consultation with local educational agencies,
7 has implemented a set of high-quality statewide
8 academic assessments that—

9 “(i) includes, at a minimum, academic
10 statewide assessments in mathematics,
11 reading or language arts, and science; and

12 “(ii) meets the requirements of sub-
13 paragraph (B).

14 “(B) REQUIREMENTS.—The assessments
15 under subparagraph (A) shall—

16 “(i) except as provided in subpara-
17 graph (D), be—

18 “(I) the same academic assess-
19 ments used to measure the achieve-
20 ment of all public elementary school
21 and secondary school students in the
22 State; and

23 “(II) administered to all public
24 elementary school and secondary
25 school students in the State;

1 “(ii) be aligned with the challenging
2 State academic standards, and provide co-
3 herent and timely information about stu-
4 dent attainment of such standards and
5 whether the student is performing at the
6 student’s grade level;

7 “(iii) be used for purposes for which
8 such assessments are valid and reliable,
9 consistent with relevant, nationally recog-
10 nized professional and technical testing
11 standards, and objectively measure aca-
12 demic achievement, knowledge, and skills;

13 “(iv) be of adequate technical quality
14 for each purpose required under this Act
15 and consistent with the requirements of
16 this section, the evidence of which is made
17 public, including on the website of the
18 State educational agency;

19 “(v)(I) measure the annual academic
20 achievement of all students against the
21 challenging State academic standards in,
22 at a minimum, mathematics and reading
23 or language arts, and be administered—

24 “(aa) in each of grades 3
25 through 8; and

1 “(bb) at least once in grades 9
2 through 12; and

3 “(II) measure the academic achieve-
4 ment of all students against the chal-
5 lenging State academic standards in
6 science, and be administered not less than
7 one time, during—

8 “(aa) grades 3 through 5;

9 “(bb) grades 6 through 9; and

10 “(cc) grades 10 through 12;

11 “(vi) involve multiple up-to-date meas-
12 ures of student academic achievement, in-
13 cluding measures that assess higher-order
14 thinking skills and understanding, which
15 may include measures of student academic
16 growth and may be partially delivered in
17 the form of portfolios, projects, or ex-
18 tended performance tasks;

19 “(vii) provide for—

20 “(I) the participation in such as-
21 sessments of all students;

22 “(II) the appropriate accom-
23 modations for children with disabil-
24 ities and students with a disability
25 who are provided accommodations

1 under another Act, necessary to meas-
2 ure the academic achievement of such
3 children relative to the challenging
4 State academic standards;

5 “(III) the inclusion of English
6 learners, who shall be assessed in a
7 valid and reliable manner and pro-
8 vided appropriate accommodations on
9 assessments administered to such stu-
10 dents under this paragraph, including,
11 to the extent practicable, assessments
12 in the language and form most likely
13 to yield accurate data on what such
14 students know and can do in academic
15 content areas, until such students
16 have achieved English language pro-
17 ficiency, as determined under para-
18 graph (1)(F);

19 “(viii) at the State’s choosing—

20 “(I) be administered through a
21 single summative assessment; or

22 “(II) be administered through
23 multiple statewide assessments during
24 the course of the year if the State can
25 demonstrate that the results of these

1 multiple assessments, taken in their
2 totality, provide a summative score
3 that provides valid and reliable infor-
4 mation on individual student achieve-
5 ment or growth;

6 “(ix) notwithstanding clause (vii)(III),
7 provide for assessments (using tests in
8 English) of reading or language arts of
9 any student who has attended school in the
10 United States (not including the Common-
11 wealth of Puerto Rico) for 3 or more con-
12 secutive school years, except that if the
13 local educational agency determines, on a
14 case-by-case individual basis, that aca-
15 demic assessments in another language or
16 form would likely yield more accurate and
17 reliable information on what such student
18 knows and can do, the local educational
19 agency may make a determination to as-
20 sess such student in the appropriate lan-
21 guage other than English for a period that
22 does not exceed 2 additional consecutive
23 years, provided that such student has not
24 yet reached a level of English language
25 proficiency sufficient to yield valid and reli-

1 able information on what such student
2 knows and can do on tests (written in
3 English) of reading or language arts;

4 “(x) produce individual student inter-
5 pretive, descriptive, and diagnostic reports,
6 consistent with clause (iii), that allow par-
7 ents, teachers, principals, and other school
8 leaders to understand and address the spe-
9 cific academic needs of students, and in-
10 clude information regarding achievement
11 on academic assessments aligned with chal-
12 lenging State academic achievement stand-
13 ards, and that are provided to parents,
14 teachers, principals, and other school lead-
15 ers as soon as is practicable after the as-
16 sessment is given, in an understandable
17 and uniform format, and, to the extent
18 practicable, in a language that the parents
19 can understand;

20 “(xi) enable results to be
21 disaggregated within each State, local edu-
22 cational agency, and school, by—

23 “(I) each major racial and ethnic
24 group;

1 “(II) economically disadvantaged
2 students as compared to students who
3 are not economically disadvantaged;

4 “(III) children with disabilities as
5 compared to children without disabili-
6 ties;

7 “(IV) English proficiency status;

8 “(V) gender; and

9 “(VI) migrant status;

10 “(xii) enable itemized score analyses
11 to be produced and reported, consistent
12 with clause (iii), to local educational agen-
13 cies and schools, so that parents, teachers,
14 principals, other school leaders, and ad-
15 ministrators can interpret and address the
16 specific academic needs of students as indi-
17 cated by the students’ achievement on as-
18 sessment items; and

19 “(xiii) be developed, to the extent
20 practicable, using the principles of uni-
21 versal design for learning.

22 “(C) EXCEPTION TO DISAGGREGATION.—
23 Notwithstanding subparagraph (B)(xi), the
24 disaggregated results of assessments shall not

1 be required in the case of a local educational
2 agency or school if—

3 “(i) the number of students in a cat-
4 egory described under subparagraph
5 (B)(xi) is insufficient to yield statistically
6 reliable information; or

7 “(ii) the results would reveal person-
8 ally identifiable information about an indi-
9 vidual student.

10 “(D) ALTERNATE ASSESSMENTS FOR STU-
11 DENTS WITH THE MOST SIGNIFICANT COG-
12 NITIVE DISABILITIES.—

13 “(i) ALTERNATE ASSESSMENTS
14 ALIGNED WITH ALTERNATE ACADEMIC
15 ACHIEVEMENT STANDARDS.—A State may
16 provide for alternate assessments aligned
17 with the challenging State academic con-
18 tent standards and alternate academic
19 achievement standards described in para-
20 graph (1)(E) for students with the most
21 significant cognitive disabilities, if the
22 State—

23 “(I) ensures that for each sub-
24 ject, the total number of students as-
25 sessed in such subject using the alter-

1 nate assessments does not exceed 1
2 percent of the total number of all stu-
3 dents in the State who are assessed in
4 such subject;

5 “(II) establishes and monitors
6 implementation of clear and appro-
7 priate guidelines for individualized
8 education program teams (as defined
9 in section 614(d)(1)(B) of the Individ-
10 uals with Disabilities Education Act)
11 to apply in determining, individually
12 for each subject, when a child’s sig-
13 nificant cognitive disability justifies
14 assessment based on alternate aca-
15 demic achievement standards;

16 “(III) ensures that, consistent
17 with the requirements of the Individ-
18 uals with Disabilities Education Act,
19 parents are involved in the decision to
20 use the alternate assessment for their
21 child;

22 “(IV) ensures that, consistent
23 with the requirements of the Individ-
24 uals with Disabilities Education Act,
25 students with the most significant

1 cognitive disabilities are involved in
2 and make progress in the general edu-
3 cation curriculum;

4 “(V) describes in the State plan
5 the appropriate accommodations pro-
6 vided to ensure access to the alternate
7 assessment;

8 “(VI) describes in the State plan
9 the steps the State has taken to incor-
10 porate universal design for learning,
11 to the extent feasible, in alternate as-
12 sements;

13 “(VII) ensures that general and
14 special education teachers and other
15 appropriate staff know how to admin-
16 ister assessments, including making
17 appropriate use of accommodations, to
18 children with disabilities;

19 “(VIII) develops, disseminates in-
20 formation on, and promotes the use of
21 appropriate accommodations to in-
22 crease the number of students with
23 significant cognitive disabilities par-
24 ticipating in academic instruction and
25 assessments and increase the number

1 of students with significant cognitive
2 disabilities who are tested against
3 challenging State academic achieve-
4 ment standards; and

5 “(IX) ensures that students who
6 take alternate assessments based on
7 alternate academic achievement stand-
8 ards are not precluded from attempt-
9 ing to complete the requirements for a
10 regular high school diploma.

11 “(ii) STUDENTS WITH THE MOST SIG-
12 NIFICANT COGNITIVE DISABILITIES.—In
13 determining the achievement of students in
14 the State accountability system, a State
15 educational agency shall include, for all
16 schools in the State, the performance of
17 the State’s students with the most signifi-
18 cant cognitive disabilities on alternate as-
19 sessments as described in this subpara-
20 graph in the subjects included in the
21 State’s accountability system, consistent
22 with the 1 percent limitation of clause
23 (i)(I).

24 “(E) STATE AUTHORITY.—If a State edu-
25 cational agency provides evidence, which is sat-

1 isfactory to the Secretary, that neither the
2 State educational agency nor any other State
3 government official, agency, or entity has suffi-
4 cient authority, under State law, to adopt chal-
5 lenging State academic standards, and aca-
6 demic assessments aligned with such standards,
7 which will be applicable to all students enrolled
8 in the State’s public elementary schools and
9 secondary schools, then the State educational
10 agency may meet the requirements of this sub-
11 section by—

12 “(i) adopting academic standards and
13 academic assessments that meet the re-
14 quirements of this subsection, on a state-
15 wide basis, and limiting their applicability
16 to students served under this part; or

17 “(ii) adopting and implementing poli-
18 cies that ensure that each local educational
19 agency in the State that receives grants
20 under this part will adopt academic con-
21 tent and student academic achievement
22 standards, and academic assessments
23 aligned with such standards, which—

24 “(I) meet all of the criteria in
25 this subsection and any regulations

1 regarding such standards and assess-
2 ments that the Secretary may publish;
3 and

4 “(II) are applicable to all stu-
5 dents served by each such local edu-
6 cational agency.

7 “(F) LANGUAGE ASSESSMENTS.—Each
8 State plan shall identify the languages other
9 than English that are present to a significant
10 extent in the participating student population of
11 the State and indicate the languages for which
12 annual student academic assessments are not
13 available and are needed, and such State shall
14 make every effort to develop such assessments
15 as necessary.

16 “(G) ASSESSMENTS OF ENGLISH LAN-
17 GUAGE PROFICIENCY.—Each State plan shall
18 demonstrate that local educational agencies in
19 the State will provide for an annual assessment
20 of English proficiency, which is valid, reliable,
21 and consistent with relevant nationally recog-
22 nized professional and technical testing stand-
23 ards measuring students’ speaking, listening,
24 reading, and writing skills in English, of all

1 children who are English learners in the schools
2 served by the State educational agency.

3 “(H) DEFERRAL.—A State may defer the
4 commencement, or suspend the administration,
5 but not cease the development, of the assess-
6 ments described in this paragraph, for 1 year
7 for each year for which the amount appro-
8 priated for grants under part B is less than
9 \$378,000,000.

10 “(I) RULE OF CONSTRUCTION REGARDING
11 USE OF ASSESSMENTS FOR STUDENT PRO-
12 MOTION OR GRADUATION.—Nothing in this
13 paragraph shall be construed to prescribe or
14 prohibit the use of the academic assessments
15 described in this part for student promotion or
16 graduation purposes.

17 “(J) RULE OF CONSTRUCTION REGARDING
18 ASSESSMENTS.—

19 “(i) IN GENERAL.—Except as pro-
20 vided in clause (ii), nothing in this para-
21 graph shall be construed to prohibit a
22 State from developing and administering
23 computer adaptive assessments as the as-
24 sements described in this paragraph, as

1 long as the computer adaptive assess-
2 ments—

3 “(I) meet the requirements of
4 this paragraph; and

5 “(II) assess the student’s aca-
6 demic achievement in order to meas-
7 ure, in the subject being assessed,
8 whether the student is performing
9 above or below the student’s grade
10 level.

11 “(ii) APPLICABILITY TO ALTERNATE
12 ASSESSMENTS FOR STUDENTS WITH THE
13 MOST SIGNIFICANT COGNITIVE DISABIL-
14 ITIES.—In developing and administering
15 computer adaptive assessments as the as-
16 sessments allowed under subparagraph
17 (D), a State shall ensure that such com-
18 puter adaptive assessments—

19 “(I) meet the requirements of
20 this paragraph, including subpara-
21 graph (D), except such assessments
22 shall not be required to meet the re-
23 quirements of clause (i)(II); and

24 “(II) assess the student’s aca-
25 demic achievement in order to meas-

1 ure, in the subject being assessed,
2 whether the student is performing at
3 the student’s grade level.

4 “(K) RULE OF CONSTRUCTION ON PARENT
5 AND GUARDIAN RIGHTS.—Nothing in this part
6 shall be construed as preempting a State or
7 local law regarding the decision of a parent or
8 guardian to not have the parent or guardian’s
9 child participate in the statewide academic as-
10 sessments under this paragraph.

11 “(3) STATE ACCOUNTABILITY SYSTEM.—

12 “(A) CATEGORY OF STUDENTS.—In this
13 paragraph, the term ‘category of students’
14 means—

15 “(i) economically disadvantaged stu-
16 dents;

17 “(ii) students from major racial and
18 ethnic groups;

19 “(iii) children with disabilities; and

20 “(iv) English learner students.

21 “(B) DESCRIPTION OF SYSTEM.—Each
22 State plan shall describe a single, statewide
23 State accountability system that will be based
24 on the challenging State academic standards
25 adopted by the State to ensure that all students

1 graduate from high school prepared for postsec-
2 ondary education or the workforce without the
3 need for postsecondary remediation and at a
4 minimum complies with the following:

5 “(i) Annually establishes State-de-
6 signed goals for all students and each of
7 the categories of students in the State that
8 take into account the progress necessary
9 for all students and each of the categories
10 of students to graduate from high school
11 prepared for postsecondary education or
12 the workforce without the need for postsec-
13 ondary remediation, for, at a minimum
14 each of the following:

15 “(I) Academic achievement,
16 which may include student growth, on
17 the State assessments under para-
18 graph (2).

19 “(II) High school graduation
20 rates, including—

21 “(aa) the 4-year adjusted
22 cohort graduation rate; and

23 “(bb) at the State’s discre-
24 tion, the extended-year adjusted
25 cohort graduation rate.

1 “(ii) Annually measures and reports
2 on the following indicators:

3 “(I) The academic achievement
4 of all public school students in all
5 public schools and local educational
6 agencies in the State towards meeting
7 the goals described in clause (i) and
8 the challenging State academic stand-
9 ards for all students and for each of
10 the categories of students using stu-
11 dent performance on State assess-
12 ments required under paragraph (2),
13 which may include measures of stu-
14 dent academic growth to such stand-
15 ards.

16 “(II) The academic success of all
17 public school students in all public
18 schools and local educational agencies
19 in the State, that is with respect to—

20 “(aa) elementary schools
21 and secondary schools that are
22 not high schools, an academic in-
23 dicator, as determined by the
24 State, that is the same statewide
25 for all public elementary school

1 students and all students at such
2 secondary schools, and each cat-
3 egory of students; and

4 “(bb) high schools, the high
5 school graduation rates of all
6 public high school students in all
7 public high schools in the State
8 toward meeting the goals de-
9 scribed in clause (i), for all stu-
10 dents and for each of the cat-
11 egories of students, including the
12 4-year adjusted cohort gradua-
13 tion rate and at the State’s dis-
14 cretion, the extended-year ad-
15 justed cohort graduation rate.

16 “(III) English language pro-
17 ficiency of all English learners in all
18 public schools and local educational
19 agencies, which may include measures
20 of student growth.

21 “(IV) Not less than one other
22 valid and reliable indicator of school
23 quality, success, or student supports,
24 as determined appropriate by the
25 State, that will be applied to all local

1 educational agencies and schools con-
2 sistently throughout the State for all
3 students and for each of the cat-
4 egories of students, which may include
5 measures of—

6 “(aa) student readiness to
7 enter postsecondary education or
8 the workforce without the need
9 for postsecondary remediation;

10 “(bb) student engagement,
11 such as attendance rates and
12 chronic absenteeism;

13 “(cc) educator engagement,
14 such as educator satisfaction (in-
15 cluding working conditions within
16 the school), teacher quality and
17 effectiveness, and teacher absen-
18 teeism;

19 “(dd) results from student,
20 parent, and educator surveys;

21 “(ee) school climate and
22 safety, such as incidents of school
23 violence, bullying, and harass-
24 ment, and disciplinary rates, in-
25 cluding rates of suspension, ex-

1 pulsion, referrals to law enforce-
2 ment, school-based arrests, dis-
3 ciplinary transfers (including
4 placements in alternative
5 schools), and student detentions;
6 “(ff) student access to or
7 success in advanced coursework
8 or educational programs or op-
9 portunities; and
10 “(gg) any other State-deter-
11 mined measure of school quality
12 or student success.
13 “(iii) Establishes a system of annually
14 identifying and meaningfully differen-
15 tiating among all public schools in the
16 State, which shall—
17 “(I) be based on all indicators in
18 the State’s accountability system for
19 all students and for each of the cat-
20 egories of students; and
21 “(II) use the indicators described
22 in subclauses (I) and (II) of clause (ii)
23 as substantial factors in the annual
24 identification of schools, and the

1 weight of such factors shall be deter-
2 mined by the State.

3 “(iv) For public schools receiving as-
4 sistance under this part, meets the require-
5 ments of section 1114.

6 “(v) Provides a clear and understand-
7 able explanation of the method of identi-
8 fying and meaningfully differentiating
9 schools under clause (iii).

10 “(vi) Measures the annual progress of
11 not less than 95 percent of all students,
12 and students in each of the categories of
13 students, who are enrolled in the school
14 and are required to take the assessments
15 under paragraph (2) and provides a clear
16 and understandable explanation of how the
17 State will factor this requirement into the
18 State-designed accountability system deter-
19 minations.

20 “(4) EXCEPTION FOR ENGLISH LEARNERS.—A
21 State may choose to—

22 “(A) exclude a recently arrived English
23 learner who has attended school in one of the
24 50 States in the United States or in the Dis-
25 trict of Columbia for less than 12 months from

1 one administration of the reading or language
2 arts assessment required under paragraph (2);

3 “(B) exclude the results of a recently ar-
4 rived English learner who has attended school
5 in one of the 50 States in the United States or
6 in the District of Columbia for less than 12
7 months on the assessments under paragraph
8 (2), except for the results on the English lan-
9 guage proficiency assessments required under
10 paragraph (2)(G), for the first year of the
11 English learner’s enrollment in a school in the
12 United States for the purposes of the State-de-
13 termined accountability system under this sub-
14 section; and

15 “(C) include the results on the assessments
16 under paragraph (2), except for results on the
17 English language proficiency assessments re-
18 quired under paragraph (2)(G), of former
19 English learners for not more than 2 years
20 after the student is no longer identified as an
21 English learner within the English learner cat-
22 egory of the categories of students, as defined
23 in paragraph (3)(A), for the purposes of the
24 State-determined accountability system.

1 “(5) ACCOUNTABILITY FOR CHARTER
2 SCHOOLS.—The accountability provisions under this
3 title shall be overseen for charter schools in accord-
4 ance with State charter school law.

5 “(6) PROHIBITION ON FEDERAL INTER-
6 FERENCE WITH STATE AND LOCAL DECISIONS.—
7 Nothing in this subsection shall be construed to per-
8 mit the Secretary to establish any criterion that
9 specifies, defines, or prescribes—

10 “(A) the standards or measures that
11 States or local educational agencies use to es-
12 tablish, implement, or improve challenging
13 State academic standards, including the content
14 of, or achievement levels within, such standards;

15 “(B) the specific types of academic assess-
16 ments or assessment items that States or local
17 educational agencies use to meet the require-
18 ments of paragraph (2)(B) or otherwise use to
19 measure student academic achievement or stu-
20 dent growth;

21 “(C) the specific goals that States estab-
22 lish within State-designed accountability sys-
23 tems for all students and for each of the cat-
24 egories of students, as defined in paragraph
25 (3)(A), for student academic achievement or

1 high school graduation rates, as described in
2 subclauses (I) and (II) of paragraph (3)(B)(i);

3 “(D) any requirement that States shall
4 measure student growth or the specific metrics
5 used to measure student academic growth if a
6 State chooses to measure student growth;

7 “(E) the specific indicator under para-
8 graph (3)(B)(ii)(II)(aa), or any indicator under
9 paragraph (3)(B)(ii)(IV), that a State must use
10 within the State-designed accountability system;

11 “(F) setting specific benchmarks, targets,
12 or goals, for any other measures or indicators
13 established by a State under subclauses (III)
14 and (IV) of paragraph (3)(B)(ii), including
15 progress or growth on such measures or indica-
16 tors;

17 “(G) the specific weight or specific signifi-
18 cance of any measures or indicators used to
19 measure, identify, or differentiate schools in the
20 State-determined accountability system, as de-
21 scribed in clauses (ii) and (iii) of paragraph
22 (3)(B);

23 “(H) the terms ‘meaningfully’ or ‘substan-
24 tially’ as used in this part;

1 “(I) the specific methods used by States
2 and local educational agencies to identify and
3 meaningfully differentiate among public schools;

4 “(J) any aspect or parameter of a teacher,
5 principal, or other school leader evaluation sys-
6 tem within a State or local educational agency;
7 or

8 “(K) indicators or measures of teacher,
9 principal, or other school leader effectiveness or
10 quality.

11 “(c) OTHER PLAN PROVISIONS.—

12 “(1) DESCRIPTIONS.—Each State plan shall de-
13 scribe—

14 “(A) with respect to any accountability
15 provisions under this part that require
16 disaggregation of information by each of the
17 categories of students, as defined in subsection
18 (b)(3)(A)—

19 “(i) the minimum number of students
20 that the State determines are necessary to
21 be included in each such category of stu-
22 dents to carry out such requirements and
23 how that number is statistically sound;

24 “(ii) how such minimum number of
25 students was determined by the State, in-

1 including how the State collaborated with
2 teachers, principals, other school leaders,
3 parents, and other stakeholders when set-
4 ting the minimum number; and

5 “(iii) how the State ensures that such
6 minimum number does not reveal person-
7 ally identifiable information about stu-
8 dents;

9 “(B) the State educational agency’s system
10 to monitor and evaluate the intervention and
11 support strategies implemented by local edu-
12 cational agencies in schools identified as in need
13 of intervention and support under section 1114,
14 including the lowest-performing schools and
15 schools identified for other reasons, including
16 schools with categories of students, as defined
17 in subsection (b)(3)(A), not meeting the goals
18 described in subsection (b)(3)(B)(i), and the
19 steps the State will take to further assist local
20 educational agencies, if such strategies are not
21 effective;

22 “(C) in the case of a State that proposes
23 to use funds under this part to offer early child-
24 hood education programs, how the State pro-
25 vides assistance and support to local edu-

1 cational agencies and individual elementary
2 schools that are creating, expanding, or improv-
3 ing such programs;

4 “(D) in the case of a State that proposes
5 to use funds under this part to support a multi-
6 tiered system of supports, positive behavioral
7 interventions and supports, or early intervening
8 services, how the State educational agency will
9 assist local educational agencies in the develop-
10 ment, implementation, and coordination of such
11 activities and services with similar activities and
12 services carried out under the Individuals with
13 Disabilities Education Act in schools served by
14 the local educational agency, including by pro-
15 viding technical assistance, training, and eval-
16 uation of the activities and services;

17 “(E) how the State educational agency will
18 provide support to local educational agencies for
19 the education of homeless children and youths,
20 and how the State will comply with the require-
21 ments of subtitle B of title VII of the McKin-
22 ney-Vento Homeless Assistance Act;

23 “(F) how low-income and minority children
24 enrolled in schools assisted under this part are
25 not served at disproportionate rates by ineffec-

1 tive, out-of-field, and inexperienced teachers,
2 principals, or other school leaders, and the
3 measures the State educational agency will use
4 to evaluate and publicly report the progress of
5 the State educational agency with respect to
6 such description;

7 “(G) how the State will make public the
8 methods or criteria the State or its local edu-
9 cational agencies are using to measure teacher,
10 principal, and other school leader effectiveness
11 for the purpose of meeting the requirements de-
12 scribed in subparagraph (F), however nothing
13 in this subparagraph shall be construed as re-
14 quiring a State to develop or implement a
15 teacher, principal, or other school leader evalua-
16 tion system;

17 “(H) how the State educational agency will
18 protect each student from physical or mental
19 abuse, aversive behavioral interventions that
20 compromise student health and safety, or any
21 physical restraint or seclusion imposed solely
22 for purposes of discipline or convenience, which
23 may include how such agency will identify and
24 support, including through professional develop-
25 ment, training, and technical assistance, local

1 educational agencies and schools that have high
2 levels of seclusion and restraint or
3 disproportionality in rates of seclusion and re-
4 straint;

5 “(I) how the State educational agency will
6 address school discipline issues, which may in-
7 clude how such agency will identify and sup-
8 port, including through professional develop-
9 ment, training, and technical assistance, local
10 educational agencies and schools that have high
11 levels of exclusionary discipline or
12 disproportionality in rates of exclusionary dis-
13 cipline;

14 “(J) how the State educational agency will
15 address school climate issues, which may in-
16 clude providing technical assistance on effective
17 strategies to reduce the incidence of school vio-
18 lence, bullying, harassment, drug and alcohol
19 use and abuse, and rates of chronic absentee-
20 ism;

21 “(K) how the State determines, with timely
22 and meaningful consultation with local edu-
23 cational agencies representing the geographic
24 diversity of the State, the timelines and annual
25 goals for progress necessary to move English

1 learners from the lowest levels of English pro-
2 ficiency to the State-defined proficient level in
3 a State-determined number of years, including
4 an assurance that such goals will be based on
5 students' initial language proficiency when first
6 identified as an English learner and may take
7 into account the amount of time that an indi-
8 vidual child has been enrolled in a language
9 program and grade level;

10 “(L) the steps a State educational agency
11 will take to ensure collaboration with the State
12 agency responsible for administering the State
13 plans under parts B and E of title IV of the
14 Social Security Act (42 U.S.C. 621 et seq. and
15 670 et seq.) to improve the educational stability
16 of children or youth in foster care, including an
17 assurance that—

18 “(i) any such child or youth is imme-
19 diately enrolled in a school, even if the
20 child or youth is unable to produce records
21 normally required for enrollment; and

22 “(ii) the enrolling school shall imme-
23 diately contact the school last attended by
24 any such child or youth to obtain relevant
25 academic and other records; and

1 “(M) any other information on how the
2 State proposes to use funds under this part to
3 meet the purposes of this part, and that the
4 State determines appropriate to provide, which
5 may include how the State educational agency
6 will—

7 “(i) assist local educational agencies
8 in identifying and serving gifted and tal-
9 ented students; and

10 “(ii) encourage the offering of a vari-
11 ety of well-rounded education experiences
12 to students.

13 “(2) ASSURANCES.—Each State plan shall pro-
14 vide an assurance that—

15 “(A) the State educational agency will no-
16 tify local educational agencies, Indian tribes
17 and tribal organizations, schools, teachers, par-
18 ents, and the public of the challenging State
19 academic standards, academic assessments, and
20 State accountability system, developed under
21 this section;

22 “(B) the State educational agency will as-
23 sist each local educational agency and school af-
24 fected by the State plan to meet the require-
25 ments of this part;

1 “(C) the State will participate in the bien-
2 nial State academic assessments in reading and
3 mathematics in grades 4 and 8 of the National
4 Assessment of Educational Progress carried out
5 under section 303(b)(3) of the National Assess-
6 ment of Educational Progress Authorization
7 Act if the Secretary pays the costs of admin-
8 istering such assessments;

9 “(D) the State educational agency will
10 modify or eliminate State fiscal and accounting
11 barriers so that schools can easily consolidate
12 funds from other Federal, State, and local
13 sources in order to improve educational oppor-
14 tunities and reduce unnecessary fiscal and ac-
15 counting requirements;

16 “(E) the State educational agency will sup-
17 port the collection and dissemination to local
18 educational agencies and schools of effective
19 parent and family engagement strategies, in-
20 cluding those included in the parent and family
21 engagement policy under section 1115;

22 “(F) the State educational agency will pro-
23 vide the least restrictive and burdensome regu-
24 lations for local educational agencies and indi-

1 vidual schools participating in a program as-
2 sisted under this part;

3 “(G) the State educational agency will en-
4 sure that local educational agencies, in devel-
5 oping and implementing programs under this
6 part, will, to the extent feasible, work in con-
7 sultation with outside intermediary organiza-
8 tions, such as educational service agencies, or
9 individuals, that have practical expertise in the
10 development or use of evidence-based strategies
11 and programs to improve teaching, learning,
12 and schools;

13 “(H) the State educational agency has ap-
14 propriate procedures and safeguards in place to
15 ensure the validity of the assessment process;

16 “(I) the State educational agency will en-
17 sure that all teachers and paraprofessionals
18 working in a program supported with funds
19 under this part meet applicable State certifi-
20 cation and licensure requirements, including al-
21 ternative certification requirements;

22 “(J) the State educational agency will co-
23 ordinate activities funded under this part with
24 other Federal activities as appropriate;

1 “(K) the State educational agency has in-
2 volved the committee of practitioners estab-
3 lished under section 1503(b) in developing the
4 plan and monitoring its implementation;

5 “(L) the State has professional standards
6 for paraprofessionals working in a program
7 supported with funds under this part, including
8 qualifications that were in place on the day be-
9 fore the date of enactment of the Every Child
10 Achieves Act of 2015; and

11 “(M) the State educational agency will as-
12 sess the system for collecting data from local
13 educational agencies, and the technical assist-
14 ance provided to local educational agencies on
15 data collection, and will evaluate the need to
16 upgrade or change the system and to provide
17 additional support to help minimize the burden
18 on local educational agencies related to report-
19 ing data required for the annual State report
20 card described in subsection (d)(1) and annual
21 local educational agency report cards described
22 in subsection (d)(2).

23 “(d) REPORTS.—

24 “(1) ANNUAL STATE REPORT CARD.—

1 “(A) IN GENERAL.—A State that receives
2 assistance under this part shall prepare and
3 disseminate widely to the public an annual
4 State report card for the State as a whole that
5 meets the requirements of this paragraph.

6 “(B) IMPLEMENTATION.—

7 “(i) IN GENERAL.—The State report
8 card required under this paragraph shall
9 be—

10 “(I) concise;

11 “(II) presented in an understand-
12 able and uniform format and, to the
13 extent practicable, in a language that
14 parents can understand; and

15 “(III) widely accessible to the
16 public, which shall include making the
17 State report card, along with all local
18 educational agency and school report
19 cards required under paragraph (2),
20 and the annual report to the Sec-
21 retary under paragraph (5), available
22 on a single webpage of the State edu-
23 cational agency’s website.

24 “(ii) ENSURING PRIVACY.—No State
25 report card required under this paragraph

1 shall include any personally identifiable in-
2 formation about any student. Each such
3 report card shall be consistent with the
4 privacy protections under section 444 of
5 the General Education Provisions Act (20
6 U.S.C. 1232g, commonly known as the
7 ‘Family Educational Rights and Privacy
8 Act of 1974’).

9 “(C) MINIMUM REQUIREMENTS.—Each
10 State report card required under this subsection
11 shall include the following information:

12 “(i) A clear and concise description of
13 the State’s accountability system under
14 subsection (b)(3), including the goals for
15 all students and for each of the categories
16 of students, as defined in subsection
17 (b)(3)(A), the indicators used in the ac-
18 countability system to evaluate school per-
19 formance described in subsection
20 (b)(3)(B), and the weights of the indica-
21 tors used in the accountability system to
22 evaluate school performance.

23 “(ii) For all students and
24 disaggregated by each category of students
25 described in subsection (b)(2)(B)(xi),

1 homeless status, and status as a child in
2 foster care, except that such
3 disaggregation shall not be required in a
4 case in which the number of students in a
5 category is insufficient to yield statistically
6 reliable information or the results would
7 reveal personally identifiable information
8 about an individual student, information
9 on student achievement on the academic
10 assessments described in subsection (b)(2)
11 at each level of achievement, as determined
12 by the State under subsection (b)(1).

13 “(iii) For all students and
14 disaggregated by each category of students
15 described in subsection (b)(2)(B)(xi), the
16 percentage of students assessed and not
17 assessed.

18 “(iv) For all students and
19 disaggregated by each of the categories of
20 students, as defined in subsection
21 (b)(3)(A), except that such disaggregation
22 shall not be required in a case in which the
23 number of students in a category is insuffi-
24 cient to yield statistically reliable informa-
25 tion or the results would reveal personally

1 identifiable information about an individual
2 student—

3 “(I) information on the perform-
4 ance on the other academic indicator
5 under subsection (b)(3)(B)(ii)(II)(aa)
6 used by the State in the State ac-
7 countability system; and

8 “(II) high school graduation
9 rates, including 4-year adjusted cohort
10 graduation rates and, at the State’s
11 discretion, extended-year adjusted co-
12 hort graduation rates.

13 “(v) Information on indicators or
14 measures of school quality, climate and
15 safety, and discipline, including the rates
16 of in-school suspensions, out-of-school sus-
17 pensions, expulsions, school-based arrests,
18 referrals to law enforcement, chronic ab-
19 senteeism, and incidences of violence, in-
20 cluding bullying and harassment, that the
21 State educational agency and each local
22 educational agency in the State reported to
23 the Civil Rights Data Collection biennial
24 survey required by the Office for Civil
25 Rights of the Department that is the most

1 recent to the date of the determination in
2 the same manner that such information is
3 presented on such survey.

4 “(vi) The minimum number of stu-
5 dents that the State determines are nec-
6 essary to be included in each of the cat-
7 egories of students, as defined in sub-
8 section (b)(3)(A), for use in the account-
9 ability system under subsection (b)(3).

10 “(vii) The professional qualifications
11 of teachers, principals, and other school
12 leaders in the State, including information
13 (that shall be presented in the aggregate
14 and disaggregated by high-poverty com-
15 pared to low-poverty schools which, for the
16 purpose of this clause, means schools in
17 each quartile based on school poverty level,
18 and high-minority and low-minority
19 schools in the State) on the number, per-
20 centage, and distribution of—

21 “(I) inexperienced teachers, prin-
22 cipals, and other school leaders;

23 “(II) teachers teaching with
24 emergency or provisional credentials;

1 “(III) teachers who are not
2 teaching in the subject or field for
3 which the teacher is certified or li-
4 censed;

5 “(IV) teachers, principals, and
6 other school leaders who are ineffec-
7 tive, as determined by the State, using
8 the methods or criteria under sub-
9 section (c)(1)(G); and

10 “(V) the annual retention rates
11 of effective and ineffective teachers,
12 principals, and other school leaders,
13 as determined by the State, using the
14 methods or criteria under subsection
15 (c)(1)(G).

16 “(viii) Information on the perform-
17 ance of local educational agencies and
18 schools in the State, including the number
19 and names of each school identified for
20 intervention and support under section
21 1114.

22 “(ix) For a State that implements a
23 teacher, principal, and other school leader
24 evaluation system consistent with title II,
25 the evaluation results of teachers, prin-

1 principals, and other school leaders, except
2 that such information shall not provide
3 personally identifiable information on indi-
4 vidual teachers, principals, or other school
5 leaders.

6 “(x) The per-pupil expenditures of
7 Federal, State, and local funds, including
8 actual personnel expenditures and actual
9 nonpersonnel expenditures of Federal,
10 State, and local funds, disaggregated by
11 source of funds, for each local educational
12 agency and each school in the State for the
13 preceding fiscal year.

14 “(xi) The number and percentages of
15 students with the most significant cog-
16 nitive disabilities that take an alternate as-
17 sessment under subsection (b)(2)(D), by
18 grade and subject.

19 “(xii) Information on the acquisition
20 of English language proficiency by stu-
21 dents who are English learners.

22 “(xiii) Information that the State edu-
23 cational agency and each local educational
24 agency in the State reported to the Civil
25 Rights Data Collection biennial survey re-

1 quired by the Office for Civil Rights of the
2 Department that is the most recent to the
3 date of the determination in the same
4 manner that such information is presented
5 on such survey that includes—

6 “(I) the number and percentage
7 of—

8 “(aa) students enrolled in
9 gifted and talented programs;

10 “(bb) students enrolled in
11 rigorous coursework to earn post-
12 secondary credit while still in
13 high school, such as Advanced
14 Placement and International
15 Baccalaureate courses and exami-
16 nations, and dual enrollment and
17 early college high schools; and

18 “(cc) children enrolled in
19 preschool programs;

20 “(II) the average class size, by
21 grade; and

22 “(III) any other indicators deter-
23 mined by the State.

24 “(xiv) The number and percentage of
25 students attaining career and technical

1 proficiencies, as defined by section 113(b)
2 of the Carl D. Perkins Career and Tech-
3 nical Education Act of 2006 and reported
4 by States only in a manner consistent with
5 section 113(c) of that Act.

6 “(xv) Results on the National Assess-
7 ment of Educational Progress in reading
8 and mathematics in grades 4 and 8 for the
9 State, compared to the national average.

10 “(xvi) Information on the percentage
11 of students, including for each of the cat-
12 egories of students, as defined in sub-
13 section (b)(3)(A), who did not meet the an-
14 nual State goals established under sub-
15 section (b)(3)(B).

16 “(xvii) Information regarding the
17 number of military-connected students
18 (which, for purposes of this clause, shall
19 mean students with parents who serve in
20 the uniformed services, including the Na-
21 tional Guard and Reserves), and informa-
22 tion regarding the academic achievement of
23 such students, except that such informa-
24 tion shall not be used for school or local

1 educational agency accountability purposes
2 under sections 1111(b)(3) and 1114.

3 “(xviii) Any additional information
4 that the State believes will best provide
5 parents, students, and other members of
6 the public with information regarding the
7 progress of each of the State’s public ele-
8 mentary schools and secondary schools.

9 “(D) RULE OF CONSTRUCTION.—

10 “(i) IN GENERAL.—Nothing in clause
11 (v) or (xiii) of subparagraph (C) shall be
12 construed as requiring a State to report
13 any data that are not otherwise required or
14 voluntarily submitted to the Civil Rights
15 Data Collection biennial survey required by
16 the Office for Civil Rights of the Depart-
17 ment.

18 “(ii) CONTINUATION OF SUBMISSION
19 TO DEPARTMENT OF INFORMATION.—If, at
20 any time after the date of enactment of the
21 Every Child Achieves Act of 2015, the
22 Civil Rights Data Collection biennial sur-
23 vey is no longer conducted by the Office
24 for Civil Rights of the Department, a State
25 educational agency shall still include the

1 information under clauses (v) and (xiii) of
2 subparagraph (C) in the State report card
3 under this paragraph in the same manner
4 that such information is presented on such
5 survey.

6 “(2) ANNUAL LOCAL EDUCATIONAL AGENCY
7 REPORT CARDS.—

8 “(A) IN GENERAL.—

9 “(i) PREPARATION AND DISSEMINA-
10 TION.—A local educational agency that re-
11 ceives assistance under this part shall pre-
12 pare and disseminate an annual local edu-
13 cational agency report card that includes—

14 “(I) information on such agency
15 as a whole; and

16 “(II) for each school served by
17 the agency, a school report card that
18 meets the requirements of this para-
19 graph.

20 “(ii) NO PERSONALLY IDENTIFIABLE
21 INFORMATION.—No local educational agen-
22 cy report card required under this para-
23 graph shall include any personally identifi-
24 able information about any student.

1 “(iii) CONSISTENT WITH FERPA.—
2 Each local educational agency report card
3 shall be consistent with the privacy protec-
4 tions under section 444 of the General
5 Education Provisions Act (20 U.S.C.
6 1232g, commonly known as the ‘Family
7 Educational Rights and Privacy Act of
8 1974’).

9 “(B) IMPLEMENTATION.—Each local edu-
10 cational agency report card shall be—

11 “(i) concise;

12 “(ii) presented in an understandable
13 and uniform format, and to the extent
14 practicable in a language that parents can
15 understand; and

16 “(iii) accessible to the public, which
17 shall include—

18 “(I) placing such report card on
19 the website of the local educational
20 agency and on the website of each
21 school served by the agency; and

22 “(II) in any case in which a local
23 educational agency or school does not
24 operate a website, providing the infor-
25 mation to the public in another man-

1 ner determined by the local edu-
2 cational agency.

3 “(C) MINIMUM REQUIREMENTS.—Each
4 local educational agency report card required
5 under this paragraph shall include—

6 “(i) the information described in para-
7 graph (1)(C), disaggregated in the same
8 manner as under paragraph (1)(C), except
9 for clause (xv) of such paragraph, as ap-
10 plied to the local educational agency, and
11 each school served by the local educational
12 agency, including—

13 “(I) in the case of a local edu-
14 cational agency, information that
15 shows how students served by the
16 local educational agency achieved on
17 the academic assessments described in
18 subsection (b)(2) compared to stu-
19 dents in the State as a whole; and

20 “(II) in the case of a school, in-
21 formation that shows how the school’s
22 students’ achievement on the aca-
23 demic assessments described in sub-
24 section (b)(2) compared to students

1 served by the local educational agency
2 and the State as a whole;

3 “(ii) any information required by the
4 State under paragraph (1)(C)(xviii); and

5 “(iii) any other information that the
6 local educational agency determines is ap-
7 propriate and will best provide parents,
8 students, and other members of the public
9 with information regarding the progress of
10 each public school served by the local edu-
11 cational agency, whether or not such infor-
12 mation is included in the annual State re-
13 port card.

14 “(D) PUBLIC DISSEMINATION.—

15 “(i) IN GENERAL.—Except as pro-
16 vided in clause (ii), a local educational
17 agency shall—

18 “(I) publicly disseminate the in-
19 formation described in this paragraph
20 to all schools in the school district
21 served by the local educational agency
22 and to all parents of students attend-
23 ing such schools; and

24 “(II) make the information wide-
25 ly available through public means, in-

1 including through electronic means, in-
2 cluding posting in an easily accessible
3 manner on the local educational agen-
4 cy’s website, except in the case in
5 which an agency does not operate a
6 website, such agency shall determine
7 how to make the information avail-
8 able, such as through distribution to
9 the media, and distribution through
10 public agencies.

11 “(ii) EXCEPTION.—If a local edu-
12 cational agency issues a report card for all
13 students, the local educational agency may
14 include the information described in this
15 paragraph as part of such report.

16 “(3) PREEXISTING REPORT CARDS.—A State
17 educational agency or local educational agency that
18 was providing public report cards on the perform-
19 ance of students, schools, local educational agencies,
20 or the State prior to the date of enactment of the
21 Every Child Achieves Act of 2015, may use such re-
22 port cards for the purpose of disseminating informa-
23 tion under this subsection if the report card is modi-
24 fied, as may be needed, to contain the information
25 required by this subsection.

1 “(4) COST REDUCTION.—Each State edu-
2 cational agency and local educational agency receiv-
3 ing assistance under this part shall, wherever pos-
4 sible, take steps to reduce data collection costs and
5 duplication of effort by obtaining the information re-
6 quired under this subsection through existing data
7 collection efforts.

8 “(5) ANNUAL STATE REPORT TO THE SEC-
9 RETARY.—Each State educational agency receiving
10 assistance under this part shall report annually to
11 the Secretary, and make widely available within the
12 State—

13 “(A) information on student achievement
14 on the academic assessments described in sub-
15 section (b)(2) for all students and
16 disaggregated by each of the categories of stu-
17 dents, as defined in subsection (b)(3)(A), in-
18 cluding—

19 “(i) the percentage of students who
20 achieved at each level of achievement the
21 State has set in subsection (b)(1);

22 “(ii) the percentage of students who
23 did not meet the annual State goals set in
24 subsection (b)(3)(B); and

1 “(iii) if applicable, the percentage of
2 students making at least one year of aca-
3 demic growth over the school year, as de-
4 termined by the State;

5 “(B) the percentage of students assessed
6 and not assessed on the academic assessments
7 described in subsection (b)(2) for all students
8 and disaggregated by each category of students
9 described in subsection (b)(2)(B)(xi);

10 “(C) for all students and disaggregated by
11 each of the categories of students, as defined in
12 subsection (b)(3)(A)—

13 “(i) information on the performance
14 on the other academic indicator under sub-
15 section (b)(3)(B)(ii)(II)(aa) used by the
16 State in the State accountability system;

17 “(ii) high school graduation rates, in-
18 cluding 4-year adjusted cohort graduation
19 rates and, at the State’s discretion, ex-
20 tended-year adjusted cohort graduation
21 rates; and

22 “(iii) information on each State-deter-
23 mined indicator of school quality, success,
24 or student support under subsection

1 (b)(3)(B)(ii)(IV) selected by the State in
2 the State accountability system;

3 “(D) information on the acquisition of
4 English language proficiency by students who
5 are English learners;

6 “(E) the per-pupil expenditures of Federal,
7 State, and local funds, including actual staff
8 personnel expenditures and actual nonpersonnel
9 expenditures, disaggregated by source of funds
10 for each school served by the agency for the
11 preceding fiscal year;

12 “(F) the number and percentage of stu-
13 dents with the most significant cognitive dis-
14 abilities that take an alternate assessment
15 under subsection (b)(2)(D), by grade and sub-
16 ject;

17 “(G) the number and names of the schools
18 identified as in need of intervention and sup-
19 port under section 1114, and the school inter-
20 vention and support strategies developed and
21 implemented by the local educational agency
22 under section 1114(b) to address the needs of
23 students in each school;

1 “(H) the number of students and schools
2 that participated in public school choice under
3 section 1114(b)(4);

4 “(I) information on the quality and effec-
5 tiveness of teachers for each quartile of schools
6 based on the school’s poverty level and high–mi-
7 nority and low–minority schools in the local
8 educational agencies in the State, including the
9 number, percentage, and distribution of—

10 “(i) inexperienced teachers;

11 “(ii) teachers who are not teaching in
12 the subject or field for which the teacher
13 is certified or licensed; and

14 “(iii) teachers who are not effective,
15 as determined by the State if the State has
16 a statewide teacher, principal, or other
17 school leader evaluation system; and

18 “(J) if the State has a statewide teacher,
19 principal, or other school leader evaluation sys-
20 tem, information on the results of such teacher,
21 principal, or other school leader evaluation sys-
22 tems that does not reveal personally identifiable
23 information.

24 “(6) PRESENTATION OF DATA.—

1 “(A) IN GENERAL.—A State educational
2 agency or local educational agency shall only in-
3 clude in its annual report card described under
4 paragraphs (1) and (2) data that are sufficient
5 to yield statistically reliable information, and
6 that do not reveal personally identifiable infor-
7 mation about an individual student, teacher,
8 principal, or other school leader.

9 “(B) STUDENT PRIVACY.—In carrying out
10 this subsection, student education records shall
11 not be released without written consent con-
12 sistent with section 444 of the General Edu-
13 cation Provisions Act (20 U.S.C. 1232g, com-
14 monly known as the ‘Family Educational
15 Rights and Privacy Act of 1974’).

16 “(7) REPORT TO CONGRESS.—The Secretary
17 shall transmit annually to the Committee on Health,
18 Education, Labor, and Pensions of the Senate and
19 the Committee on Education and the Workforce of
20 the House of Representatives a report that provides
21 national and State level data on the information col-
22 lected under paragraph (5). Such report shall be
23 submitted through electronic means only.

24 “(8) SECRETARY’S REPORT CARD.—

1 “(A) IN GENERAL.—Not later than July 1,
2 2017, and annually thereafter, the Secretary,
3 acting through the Director of the Institute of
4 Education Sciences, shall transmit to the Com-
5 mittee on Health, Education, Labor, and Pen-
6 sions of the Senate and the Committee on Edu-
7 cation and the Workforce of the House of Rep-
8 resentatives a national report card on the status
9 of elementary and secondary education in the
10 United States. Such report shall—

11 “(i) analyze existing data from State
12 reports required under this Act, the Indi-
13 viduals with Disabilities Education Act,
14 and the Carl D. Perkins Career and Tech-
15 nical Education Act of 2006, and summa-
16 rize major findings from such reports;

17 “(ii) analyze data from the National
18 Assessment of Educational Progress and
19 comparable international assessments;

20 “(iii) identify trends in student
21 achievement and high school graduation
22 rates (including 4-year adjusted cohort
23 graduation rates and extended-year ad-
24 justed cohort graduation rates), by ana-
25 lyzing and reporting on the status and per-

1 performance of students, disaggregated by
2 achievement level and by each of the cat-
3 egories of students, as defined in sub-
4 section (b)(3)(A);

5 “(iv) analyze data on Federal, State,
6 and local expenditures on education, in-
7 cluding per-pupil spending, teacher sala-
8 ries, school level spending, and other finan-
9 cial data publicly available, and report on
10 current trends and major findings; and

11 “(v) analyze information on the teach-
12 ing, principal, and other school leader pro-
13 fessions, including education and training,
14 retention and mobility, and effectiveness in
15 improving student achievement.

16 “(B) SPECIAL RULE.—The information
17 used to prepare the report described in sub-
18 paragraph (A) shall be derived from existing
19 State and local reporting requirements and data
20 sources. Nothing in this paragraph shall be con-
21 strued as authorizing, requiring, or allowing
22 any additional reporting requirements, data ele-
23 ments, or information to be reported to the Sec-
24 retary not otherwise explicitly authorized by any
25 other Federal law.

1 “(C) PUBLIC RECOGNITION.—The Sec-
2 retary may identify and publicly recognize
3 States, local educational agencies, schools, pro-
4 grams, and individuals for exemplary perform-
5 ance.

6 “(e) VOLUNTARY PARTNERSHIPS.—

7 “(1) IN GENERAL.—Nothing in this section
8 shall be construed to prohibit a State from entering
9 into a voluntary partnership with another State to
10 develop and implement the academic assessments,
11 challenging State academic standards, and account-
12 ability systems required under this section.

13 “(2) PROHIBITION.—The Secretary shall be
14 prohibited from requiring or coercing a State to
15 enter into a voluntary partnership described in para-
16 graph (1), including—

17 “(A) as a condition of approval of a State
18 plan under this section;

19 “(B) as a condition of an award of Federal
20 funds under any grant, contract, or cooperative
21 agreement;

22 “(C) as a condition of approval of a waiver
23 under section 9401; or

24 “(D) by providing any priority, preference,
25 or special consideration during the application

1 process under any grant, contract, or coopera-
2 tive agreement.

3 “(f) SPECIAL RULE WITH RESPECT TO BUREAU-
4 FUNDED SCHOOLS.—In determining the assessments to be
5 used by each school operated or funded by the Bureau
6 of Indian Education of the Department of the Interior
7 that receives funds under this part, the following shall
8 apply:

9 “(1) Each such school that is accredited by the
10 State in which it is operating shall use the assess-
11 ments the State has developed and implemented to
12 meet the requirements of this section, or such other
13 appropriate assessment as approved by the Secretary
14 of the Interior.

15 “(2) Each such school that is accredited by a
16 regional accrediting organization shall adopt an ap-
17 propriate assessment in consultation with, and with
18 the approval of, the Secretary of the Interior and
19 consistent with assessments adopted by other schools
20 in the same State or region, that meets the require-
21 ments of this section.

22 “(3) Each such school that is accredited by a
23 tribal accrediting agency or tribal division of edu-
24 cation shall use an assessment developed by such
25 agency or division, except that the Secretary of the

1 Interior shall ensure that such assessment meets the
2 requirements of this section.

3 **“SEC. 1112. LOCAL EDUCATIONAL AGENCY PLANS.**

4 “(a) PLANS REQUIRED.—

5 “(1) SUBGRANTS.—A local educational agency
6 may receive a subgrant under this part for any fiscal
7 year only if such agency has on file with the State
8 educational agency a plan, approved by the State
9 educational agency, that—

10 “(A) is developed with timely and mean-
11 ingful consultation with teachers, principals,
12 other school leaders, specialized instructional
13 support personnel, paraprofessionals (including
14 organizations representing such individuals),
15 administrators (including administrators of pro-
16 grams described in other parts of this title),
17 and other appropriate school personnel, and
18 with parents of children in schools served under
19 this part;

20 “(B) satisfies the requirements of this sec-
21 tion; and

22 “(C) as appropriate, is coordinated with
23 other programs under this Act, the Individuals
24 with Disabilities Education Act, the Rehabilita-
25 tion Act of 1973, the Carl D. Perkins Career

1 and Technical Education Act of 2006, the
2 Workforce Innovation and Opportunity Act, the
3 Head Start Act, the Child Care and Develop-
4 ment Block Grant Act of 1990, the Education
5 Sciences Reform Act of 2002, the Education
6 Technical Assistance Act, the NAEP Authoriza-
7 tion Act, the McKinney-Vento Homeless Assist-
8 ance Act, and the Adult Education and Family
9 Literacy Act.

10 “(2) CONSOLIDATED APPLICATION.—The plan
11 may be submitted as part of a consolidated applica-
12 tion under section 9305.

13 “(3) STATE REVIEW AND APPROVAL.—

14 “(A) IN GENERAL.—Each local educational
15 agency plan shall be filed according to a sched-
16 ule established by the State educational agency.

17 “(B) APPROVAL.—The State educational
18 agency shall approve a local educational agen-
19 cy’s plan only if the State educational agency
20 determines that the local educational agency’s
21 plan meets the requirements of this part and
22 enables children served under this part to meet
23 the challenging State academic standards de-
24 scribed in section 1111(b)(1).

1 “(4) DURATION.—Each local educational agen-
2 cy plan shall be submitted for the first year for
3 which this part is in effect following the date of en-
4 actment of the Every Child Achieves Act of 2015
5 and shall remain in effect for the duration of the
6 agency’s participation under this part.

7 “(5) REVIEW.—Each local educational agency
8 shall periodically review and, as necessary, revise its
9 plan to reflect changes in the local educational agen-
10 cy’s strategies and programs under this part.

11 “(6) RENEWAL.—A local educational agency
12 that desires to continue participating in a program
13 under this part shall submit a renewed plan on a
14 periodic basis, as determined by the State.

15 “(b) PLAN PROVISIONS.—To ensure that all children
16 receive a high-quality education that prepares them for
17 postsecondary education or the workforce without the need
18 for postsecondary remediation, and to close the achieve-
19 ment gap between children meeting the challenging State
20 academic standards and those who are not, each local edu-
21 cational agency plan shall describe—

22 “(1) how the local educational agency will work
23 with each of the schools served by the agency so that
24 students meet the challenging State academic stand-
25 ards by—

1 “(A) developing and implementing a com-
2 prehensive program of instruction to meet the
3 academic needs of all students;

4 “(B) identifying quickly and effectively
5 students who may be at risk for academic fail-
6 ure;

7 “(C) providing additional educational as-
8 sistance to individual students determined as
9 needing help in meeting the challenging State
10 academic standards;

11 “(D) identifying significant gaps in stu-
12 dent academic achievement and graduation
13 rates between each of the categories of stu-
14 dents, as defined in section 1111(b)(3)(A), and
15 developing strategies to reduce such gaps in
16 achievement and graduation rates; and

17 “(E) identifying and implementing evi-
18 dence-based methods and instructional strate-
19 gies intended to strengthen the academic pro-
20 gram of the school and improve school climate;

21 “(2) how the local educational agency will mon-
22 itor and evaluate the effectiveness of school pro-
23 grams in improving student academic achievement
24 and academic growth, if applicable, especially for

1 students not meeting the challenging State academic
2 standards;

3 “(3) how the local educational agency will—

4 “(A) ensure that all teachers and para-
5 professionals working in a program supported
6 with funds under this part meet applicable
7 State certification and licensure requirements,
8 including alternative certification requirements;
9 and

10 “(B) identify and address, as required
11 under State plans as described in section
12 1111(c)(1)(F), any disparities that result in
13 low-income students and minority students
14 being taught at higher rates than other stu-
15 dents by ineffective, inexperienced, and out-of-
16 field teachers;

17 “(4) the actions the local educational agency
18 will take to assist schools identified as in need of
19 intervention and support under section 1114, includ-
20 ing the lowest-performing schools in the local edu-
21 cational agency, and schools identified for other rea-
22 sons, including schools with categories of students,
23 as defined in section 1111(b)(3)(A), not meeting the
24 goals described in section 1111(b)(3)(B), to improve
25 student academic achievement, the funds used to

1 conduct such actions, and how such agency will
2 monitor such actions;

3 “(5) the poverty criteria that will be used to se-
4 lect school attendance areas under section 1113;

5 “(6) the programs to be conducted by such
6 agency’s schools under section 1113, and where ap-
7 propriate, educational services outside such schools
8 for children living in local institutions for neglected
9 or delinquent children, and for neglected and delin-
10 quent children in community day school programs;

11 “(7) the services the local educational agency
12 will provide homeless children, including services
13 provided with funds reserved under section
14 1113(a)(4)(A)(i);

15 “(8) the strategy the local educational agency
16 will use to implement effective parent and family en-
17 gagement under section 1115;

18 “(9) if applicable, how the local educational
19 agency will coordinate and integrate services pro-
20 vided under this part with preschool educational
21 services at the local educational agency or individual
22 school level, such as Head Start programs, the lit-
23 eracy program under part D of title II, State-funded
24 preschool programs, and other community-based
25 early childhood education programs, including plans

1 for the transition of participants in such programs
2 to local elementary school programs;

3 “(10) how the local educational agency will co-
4 ordinate programs and integrate services under this
5 part with other Federal, State, tribal, and local serv-
6 ices and programs, including programs supported
7 under this Act, the Carl D. Perkins Career and
8 Technical Education Act of 2006, the Individuals
9 with Disabilities Education Act, the Rehabilitation
10 Act of 1973, the Head Start Act, the Child Care
11 and Development Block Grant Act of 1990, the
12 Workforce Innovation and Opportunity Act, the
13 McKinney-Vento Homeless Assistance Act, and the
14 Education Sciences Reform Act of 2002, violence
15 prevention programs, nutrition programs, and hous-
16 ing programs;

17 “(11) how teachers and school leaders, in con-
18 sultation with parents, administrators, paraprofes-
19 sionals, and specialized instructional support per-
20 sonnel, in schools operating a targeted assistance
21 school program under section 1113, will identify the
22 eligible children most in need of services under this
23 part;

24 “(12) in the case of a local educational agency
25 that proposes to use funds under this part to sup-

1 port a multi-tiered system of supports, positive be-
2 havioral interventions and supports, or early inter-
3 vening services, how the local educational agency will
4 provide such activities and services and coordinate
5 them with similar activities and services carried out
6 under the Individuals with Disabilities Education
7 Act in schools served by the local educational agen-
8 cy, including by providing technical assistance, train-
9 ing, and evaluation of the activities and services;

10 “(13) how the local educational agency will pro-
11 vide opportunities for the enrollment, attendance,
12 and success of homeless children and youths con-
13 sistent with the requirements of the McKinney-
14 Vento Homeless Assistance Act and the services the
15 local educational agency will provide homeless chil-
16 dren and youths;

17 “(14) how the local educational agency will im-
18 plement strategies to facilitate effective transitions
19 for students from middle school to high school and
20 from high school to postsecondary education;

21 “(15) how the local educational agency will ad-
22 dress school discipline issues, which may include
23 identifying and supporting schools with significant
24 discipline disparities, or high rates of discipline,
25 disaggregated by each of the categories of students,

1 as defined in section 1111(b)(3)(A), including by
2 providing technical assistance on effective strategies
3 to reduce such disparities and high rates;

4 “(16) how the local educational agency will ad-
5 dress school climate issues, which may include iden-
6 tifying and improving performance on school climate
7 indicators related to student achievement and pro-
8 viding technical assistance to schools; and

9 “(17) any other information on how the local
10 educational agency proposes to use funds to meet
11 the purposes of this part, and that the local edu-
12 cational agency determines appropriate to provide,
13 which may include how the local educational agency
14 will—

15 “(A) assist schools in identifying and serv-
16 ing gifted and talented students; and

17 “(B) encourage the offering of a variety of
18 well-rounded education experiences to students.

19 “(c) ASSURANCES.—Each local educational agency
20 plan shall provide assurances that the local educational
21 agency will—

22 “(1) ensure that migratory children and for-
23 merly migratory children who are eligible to receive
24 services under this part are selected to receive such

1 services on the same basis as other children who are
2 selected to receive services under this part;

3 “(2) provide services to eligible children attend-
4 ing private elementary schools and secondary schools
5 in accordance with section 1116, and timely and
6 meaningful consultation with private school officials
7 regarding such services;

8 “(3) participate, if selected, in the National As-
9 sessment of Educational Progress in reading and
10 mathematics in grades 4 and 8 carried out under
11 section 303(b)(3) of the National Assessment of
12 Educational Progress Authorization Act; and

13 “(4) coordinate and integrate services provided
14 under this part with other educational services at
15 the local educational agency or individual school
16 level, such as services for English learners, children
17 with disabilities, migratory children, American In-
18 dian, Alaska Native, and Native Hawaiian children,
19 and homeless children, in order to increase program
20 effectiveness, eliminate duplication, and reduce frag-
21 mentation of the instructional program.

22 “(d) PARENTS RIGHT-TO-KNOW.—

23 “(1) TEACHER QUALIFICATIONS.—

24 “(A) IN GENERAL.—At the beginning of
25 each school year, a local educational agency

1 that receives funds under this part shall notify
2 the parents of each student attending any
3 school receiving funds under this part that the
4 parents may request, and the agency will pro-
5 vide the parents on request (and in a timely
6 manner), information regarding the professional
7 qualifications of the student's classroom teach-
8 ers, including at a minimum, the following:

9 “(i) Whether the teacher has met
10 State qualification and licensing criteria
11 for the grade levels and subject areas in
12 which the teacher provides instruction.

13 “(ii) Whether the teacher is teaching
14 under emergency or other provisional sta-
15 tus through which State qualification or li-
16 censing criteria have been waived.

17 “(iii) The field of discipline of the cer-
18 tification of the teacher.

19 “(iv) Whether the child is provided
20 services by paraprofessionals and, if so,
21 their qualifications.

22 “(B) ADDITIONAL INFORMATION.—In ad-
23 dition to the information that parents may re-
24 quest under subparagraph (A), a school that re-
25 ceives funds under this part shall provide to

1 each individual parent of a child who is a stu-
2 dent in such school, with respect to such stu-
3 dent—

4 “(i) information on the level of
5 achievement and academic growth of the
6 student, if applicable and available, on
7 each of the State academic assessments re-
8 quired under this part; and

9 “(ii) timely notice that the student
10 has been assigned, or has been taught for
11 4 or more consecutive weeks by, a teacher
12 who does not meet applicable State certifi-
13 cation or licensure requirements at the
14 grade level and subject area in which the
15 teacher has been assigned.

16 “(2) LANGUAGE INSTRUCTION.—

17 “(A) NOTICE.—Each local educational
18 agency using funds under this part or title III
19 to provide a language instruction educational
20 program as determined under title III shall, not
21 later than 30 days after the beginning of the
22 school year, inform a parent or parents of a
23 child who is an English learner identified for
24 participation or participating in such a pro-
25 gram, of—

1 “(i) the reasons for the identification
2 of their child as an English learner and in
3 need of placement in a language instruc-
4 tion educational program;

5 “(ii) the child’s level of English pro-
6 ficiency, how such level was assessed, and
7 the status of the child’s academic achieve-
8 ment;

9 “(iii) the methods of instruction used
10 in the program in which their child is, or
11 will be participating, and the methods of
12 instruction used in other available pro-
13 grams, including how such programs differ
14 in content, instructional goals, and the use
15 of English and a native language in in-
16 struction;

17 “(iv) how the program in which their
18 child is, or will be participating, will meet
19 the educational strengths and needs of
20 their child;

21 “(v) how such program will specifi-
22 cally help their child learn English and
23 meet age-appropriate academic achieve-
24 ment standards for grade promotion and
25 graduation;

1 “(vi) the specific exit requirements for
2 the program, including the expected rate of
3 transition from such program into class-
4 rooms that are not tailored for children
5 who are English learners, and the expected
6 rate of graduation from high school (in-
7 cluding 4-year adjusted cohort graduation
8 rates and extended-year adjusted cohort
9 graduation rates for such program) if
10 funds under this part are used for children
11 in high schools;

12 “(vii) in the case of a child with a dis-
13 ability, how such program meets the objec-
14 tives of the individualized education pro-
15 gram of the child, as described in section
16 614(d) of the Individuals with Disabilities
17 Education Act; and

18 “(viii) information pertaining to pa-
19 rental rights that includes written guid-
20 ance—

21 “(I) detailing the right that par-
22 ents have to have their child imme-
23 diately removed from such program
24 upon their request;

1 “(II) detailing the options that
2 parents have to decline to enroll their
3 child in such program or to choose an-
4 other program or method of instruc-
5 tion, if available; and

6 “(III) assisting parents in select-
7 ing among various programs and
8 methods of instruction, if more than 1
9 program or method is offered by the
10 eligible entity.

11 “(B) SPECIAL RULE APPLICABLE DURING
12 THE SCHOOL YEAR.—For those children who
13 have not been identified as English learners
14 prior to the beginning of the school year but are
15 identified as English learners during such
16 school year, the local educational agency shall
17 notify the children’s parents during the first 2
18 weeks of the child being placed in a language
19 instruction educational program consistent with
20 subparagraph (A).

21 “(C) PARENTAL PARTICIPATION.—Each
22 local educational agency receiving funds under
23 this part and title III shall implement an effec-
24 tive means of outreach to parents of children
25 who are English learners to inform the parents

1 how the parents can be involved in the edu-
 2 cation of their children, and be active partici-
 3 pants in assisting their children to attain
 4 English proficiency, achieve at high levels in
 5 core academic subjects, and meet the chal-
 6 lenging State academic standards expected of
 7 all students, including holding, and sending no-
 8 tice of opportunities for, regular meetings for
 9 the purpose of formulating and responding to
 10 recommendations from parents of students as-
 11 sisted under this part and title III.

12 “(D) BASIS FOR ADMISSION OR EXCLU-
 13 SION.—A student shall not be admitted to, or
 14 excluded from, any federally assisted education
 15 program on the basis of a surname or language-
 16 minority status.

17 “(3) NOTICE AND FORMAT.—The notice and in-
 18 formation provided to parents under this subsection
 19 shall be in an understandable and uniform format
 20 and, to the extent practicable, provided in a lan-
 21 guage that the parents can understand.

22 **“SEC. 1113. ELIGIBLE SCHOOL ATTENDANCE AREAS;**
 23 **SCHOOLWIDE PROGRAMS; TARGETED ASSIST-**
 24 **ANCE PROGRAMS.**

25 “(a) ELIGIBLE SCHOOL ATTENDANCE AREAS.—

1 “(1) DETERMINATION.—

2 “(A) IN GENERAL.—A local educational
3 agency shall use funds received under this part
4 only in eligible school attendance areas.

5 “(B) ELIGIBLE SCHOOL ATTENDANCE
6 AREAS.—In this part—

7 “(i) the term ‘school attendance area’
8 means, in relation to a particular school,
9 the geographical area in which the children
10 who are normally served by that school re-
11 side; and

12 “(ii) the term ‘eligible school attend-
13 ance area’ means a school attendance area
14 in which the percentage of children from
15 low-income families is at least as high as
16 the percentage of children from low-income
17 families served by the local educational
18 agency as a whole.

19 “(C) RANKING ORDER.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), if funds allocated in ac-
22 cordance with paragraph (3) are insuffi-
23 cient to serve all eligible school attendance
24 areas, a local educational agency shall—

1 “(I) annually rank, without re-
2 gard to grade spans, such agency’s el-
3 igible school attendance areas in
4 which the concentration of children
5 from low-income families exceeds 75
6 percent, or exceeds 50 percent in the
7 case of the high schools served by
8 such agency, from highest to lowest
9 according to the percentage of chil-
10 dren from low-income families; and

11 “(II) serve such eligible school
12 attendance areas in rank order.

13 “(ii) RULE OF CONSTRUCTION.—
14 Nothing in this subparagraph shall be con-
15 strued as requiring a local educational
16 agency to reduce, in order to comply with
17 clause (i), the amount of funding provided
18 under this part to elementary schools and
19 middle schools from the amount of funding
20 provided under this part to such schools
21 for the fiscal year preceding the date of en-
22 actment of the Every Child Achieves Act of
23 2015 in order to provide funding under
24 this part to high schools pursuant to clause
25 (i).

1 “(D) REMAINING FUNDS.—If funds remain
2 after serving all eligible school attendance areas
3 under subparagraph (C), a local educational
4 agency shall—

5 “(i) annually rank such agency’s re-
6 maining eligible school attendance areas
7 from highest to lowest either by grade
8 span or for the entire local educational
9 agency according to the percentage of chil-
10 dren from low-income families; and

11 “(ii) serve such eligible school attend-
12 ance areas in rank order either within each
13 grade-span grouping or within the local
14 educational agency as a whole.

15 “(E) MEASURES.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), a local educational
18 agency shall use the same measure of pov-
19 erty, which measure shall be the number of
20 children aged 5 through 17 in poverty
21 counted in the most recent census data ap-
22 proved by the Secretary, the number of
23 children eligible for a free or reduced price
24 lunch under the Richard B. Russell Na-
25 tional School Lunch Act, the number of

1 children in families receiving assistance
2 under the State program funded under
3 part A of title IV of the Social Security
4 Act, or the number of children eligible to
5 receive medical assistance under the Med-
6 icaid program established under title XIX
7 of the Social Security Act, or a composite
8 of such indicators, with respect to all
9 school attendance areas in the local edu-
10 cational agency—

11 “(I) to identify eligible school at-
12 tendance areas;

13 “(II) to determine the ranking of
14 each area; and

15 “(III) to determine allocations
16 under paragraph (3).

17 “(ii) SECONDARY SCHOOLS.—For
18 measuring the number of students in low-
19 income families in secondary schools, the
20 local educational agency shall use the same
21 measure of poverty, which shall be—

22 “(I) the calculation described
23 under clause (i); or

24 “(II) an accurate estimate of the
25 number of students in low-income

1 families in a secondary school that is
2 calculated by applying the average
3 percentage of students in low-income
4 families of the elementary school at-
5 tendance areas as calculated under
6 clause (i) that feed into the secondary
7 school to the number of students en-
8 rolled in such school.

9 “(F) EXCEPTION.—This subsection shall
10 not apply to a local educational agency with a
11 total enrollment of less than 1,000 children.

12 “(G) WAIVER FOR DESEGREGATION
13 PLANS.—The Secretary may approve a local
14 educational agency’s written request for a waiv-
15 er of the requirements of this paragraph and
16 paragraph (3) and permit such agency to treat
17 as eligible, and serve, any school that children
18 attend with a State-ordered, court-ordered
19 school desegregation plan or a plan that con-
20 tinues to be implemented in accordance with a
21 State-ordered or court-ordered desegregation
22 plan, if—

23 “(i) the number of economically dis-
24 advantaged children enrolled in the school

1 is at least 25 percent of the school's total
2 enrollment; and

3 “(ii) the Secretary determines on the
4 basis of a written request from such agen-
5 cy and in accordance with such criteria as
6 the Secretary establishes, that approval of
7 that request would further the purposes of
8 this part.

9 “(2) LOCAL EDUCATIONAL AGENCY DISCRE-
10 TION.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (1)(B), a local educational agency may—

13 “(i) designate as eligible any school
14 attendance area or school in which at least
15 35 percent of the children are from low-in-
16 come families;

17 “(ii) use funds received under this
18 part in a school that is not in an eligible
19 school attendance area, if the percentage
20 of children from low-income families en-
21 rolled in the school is equal to or greater
22 than the percentage of such children in a
23 participating school attendance area of
24 such agency;

1 “(iii) designate and serve a school at-
2 tendance area or school that is not eligible
3 under this section, but that was eligible
4 and that was served in the preceding fiscal
5 year, but only for 1 additional fiscal year;
6 and

7 “(iv) elect not to serve an eligible
8 school attendance area or eligible school
9 that has a higher percentage of children
10 from low-income families if—

11 “(I) the school meets the com-
12 parability requirements of section
13 1117(e);

14 “(II) the school is receiving sup-
15 plemental funds from other State or
16 local sources that are spent according
17 to the requirements of this section;
18 and

19 “(III) the funds expended from
20 such other sources equal or exceed the
21 amount that would be provided under
22 this part.

23 “(B) SPECIAL RULE.—Notwithstanding
24 subparagraph (A)(iv), the number of children
25 attending private elementary schools and sec-

1 ondary schools who are to receive services, and
2 the assistance such children are to receive
3 under this part, shall be determined without re-
4 gard to whether the public school attendance
5 area in which such children reside is assisted
6 under subparagraph (A).

7 “(3) ALLOCATIONS.—

8 “(A) IN GENERAL.—A local educational
9 agency shall allocate funds received under this
10 part to eligible school attendance areas or eligi-
11 ble schools, identified under paragraphs (1) and
12 (2) in rank order, on the basis of the total
13 number of children from low-income families in
14 each area or school.

15 “(B) SPECIAL RULE.—

16 “(i) IN GENERAL.—Except as pro-
17 vided in clause (ii), the per-pupil amount
18 of funds allocated to each school attend-
19 ance area or school under subparagraph
20 (A) shall be at least 125 percent of the
21 per-pupil amount of funds a local edu-
22 cational agency received for that year
23 under the poverty criteria described by the
24 local educational agency in the plan sub-
25 mitted under section 1112, except that this

1 clause shall not apply to a local edu-
2 cational agency that only serves schools in
3 which the percentage of such children is 35
4 percent or greater.

5 “(ii) EXCEPTION.—A local edu-
6 cational agency may reduce the amount of
7 funds allocated under clause (i) for a
8 school attendance area or school by the
9 amount of any supplemental State and
10 local funds expended in that school attend-
11 ance area or school for programs that meet
12 the requirements of this section.

13 “(4) RESERVATION OF FUNDS.—

14 “(A) IN GENERAL.—A local educational
15 agency shall reserve such funds as are nec-
16 essary under this part to provide services com-
17 parable to those provided to children in schools
18 funded under this part to serve—

19 “(i) homeless children, including pro-
20 viding educationally related support serv-
21 ices to children in shelters and other loca-
22 tions where children may live;

23 “(ii) children in local institutions for
24 neglected children; and

1 “(iii) if appropriate, children in local
2 institutions for delinquent children, and
3 neglected or delinquent children in commu-
4 nity day programs.

5 “(B) HOMELESS CHILDREN AND YOUTH.—
6 Funds reserved under subparagraph (A)(i) may
7 be—

8 “(i) determined based on a needs as-
9 sessment of homeless children and youths
10 in the local educational agency, as con-
11 ducted under section 723(b)(1) of the
12 McKinney-Vento Homeless Assistance Act;
13 and

14 “(ii) used to provide homeless children
15 and youths with services not ordinarily
16 provided to other students under this part,
17 including providing—

18 “(I) funding for the liaison des-
19 ignated pursuant to section
20 722(g)(1)(J)(ii) of such Act; and

21 “(II) transportation pursuant to
22 section 722(g)(1)(J)(iii) of such Act.

23 “(5) EARLY CHILDHOOD EDUCATION.—A local
24 educational agency may reserve funds made avail-

1 able to carry out this section to provide early child-
2 hood education programs for eligible children.

3 “(b) SCHOOLWIDE PROGRAMS AND TARGETED AS-
4 SISTANCE SCHOOLS.—

5 “(1) IN GENERAL.—For each school that will
6 receive funds under this part, the local educational
7 agency shall determine whether the school shall op-
8 erate a schoolwide program consistent with sub-
9 section (c) or a targeted assistance school program
10 consistent with subsection (d).

11 “(2) NEEDS ASSESSMENT.—The determination
12 under paragraph (1) shall be—

13 “(A) based on a comprehensive needs as-
14 sessment of the entire school that takes into ac-
15 count information on the academic achievement
16 of children in relation to the challenging State
17 academic standards under section 1111(b)(1),
18 particularly the needs of those children failing
19 or are at-risk of failing to meet the challenging
20 State academic standards and any other factors
21 as determined by the local educational agency;
22 and

23 “(B) conducted with the participation of
24 individuals who would carry out the schoolwide

1 plan, including those individuals under sub-
2 section (c)(2)(B).

3 “(3) COORDINATION.—The needs assessment
4 under paragraph (2) may be undertaken as part of
5 other related needs assessments under this Act.

6 “(c) SCHOOLWIDE PROGRAMS.—

7 “(1) IN GENERAL.—

8 “(A) ELIGIBILITY.—A local educational
9 agency may consolidate and use funds under
10 this part, together with other Federal, State,
11 and local funds, in order to upgrade the entire
12 educational program of a school that serves an
13 eligible school attendance area in which not less
14 than 40 percent of the children are from low-
15 income families, or not less than 40 percent of
16 the children enrolled in the school are from
17 such families.

18 “(B) EXCEPTION.—A school that serves an
19 eligible school attendance area in which less
20 than 40 percent of the children are from low-
21 income families, or a school for which less than
22 40 percent of the children enrolled in the school
23 are from such families, may operate a
24 schoolwide program under this section if—

1 “(i) the local educational agency in
2 which the school is located allows such
3 school to do so; and

4 “(ii) the results of the comprehensive
5 needs assessment conducted under sub-
6 section (b)(2) determine a schoolwide pro-
7 gram will best serve the needs of the stu-
8 dents in the school served under this part
9 in improving academic achievement and
10 other factors.

11 “(2) SCHOOLWIDE PROGRAM PLAN.—An eligible
12 school operating a schoolwide program shall develop
13 a comprehensive plan, in consultation with the local
14 educational agency, tribes and tribal organizations
15 present in the community, and other individuals as
16 determined by the school, that—

17 “(A) is developed during a 1-year period,
18 unless—

19 “(i) the local educational agency de-
20 termines in consultation with the school
21 that less time is needed to develop and im-
22 plement the schoolwide program; or

23 “(ii) the school is operating a
24 schoolwide program on the day before the
25 date of enactment of the Every Child

1 Achieves Act of 2015, in which case such
2 school may continue to operate such pro-
3 gram, but shall develop amendments to its
4 existing plan during the first year of as-
5 sistance after that date to reflect the provi-
6 sions of this section;

7 “(B) is developed with the involvement of
8 parents and other members of the community
9 to be served and individuals who will carry out
10 such plan, including teachers, principals, other
11 school leaders, paraprofessionals present in the
12 school, and administrators (including adminis-
13 trators of programs described in other parts of
14 this title), and, if appropriate, specialized in-
15 structional support personnel, technical assist-
16 ance providers, school staff, and students;

17 “(C) remains in effect for the duration of
18 the school’s participation under this part, ex-
19 cept that the plan and the implementation of,
20 and results achieved by, the schoolwide program
21 shall be regularly monitored and revised as nec-
22 essary to ensure students are meeting the chal-
23 lenging State academic standards;

24 “(D) is available to the local educational
25 agency, parents, and the public, and the infor-

1 mation contained in such plan shall be in an
2 understandable and uniform format and, to the
3 extent practicable, provided in a language that
4 the parents can understand;

5 “(E) if appropriate and applicable, devel-
6 oped in coordination and integration with other
7 Federal, State, and local services, resources,
8 and programs, such as programs supported
9 under this Act, violence prevention programs,
10 nutrition programs, housing programs, Head
11 Start programs, adult education programs, ca-
12 reer and technical education programs, and
13 interventions and supports for schools identified
14 as in need of intervention and support under
15 section 1114; and

16 “(F) includes a description of—

17 “(i) the results of the comprehensive
18 needs assessments of the entire school re-
19 quired under subsection (b)(2);

20 “(ii) the strategies that the school will
21 be implementing to address school needs,
22 including a description of how such strate-
23 gies will—

24 “(I) provide opportunities for all
25 children, including each of the cat-

1 egories of students, as defined in sec-
2 tion 1111(b)(3)(A), to meet the chal-
3 lenging State academic standards
4 under section 1111(b)(1);

5 “(II) use evidence-based methods
6 and instructional strategies that
7 strengthen the academic program in
8 the school, increase the amount and
9 quality of learning time, and help pro-
10 vide an enriched and accelerated cur-
11 riculum;

12 “(III) address the needs of all
13 children in the school, but particularly
14 the needs of those at risk of not meet-
15 ing the challenging State academic
16 standards, which may include—

17 “(aa) counseling, specialized
18 instructional support services,
19 and mentoring services;

20 “(bb) preparation for and
21 awareness of opportunities for
22 postsecondary education and the
23 workforce, including career and
24 technical education programs;

1 “(cc) implementation of a
2 schoolwide multi-tiered system of
3 supports, including positive be-
4 havioral interventions and sup-
5 ports and early intervening serv-
6 ices, including through coordina-
7 tion with such activities and serv-
8 ices carried out under the Indi-
9 viduals with Disabilities Edu-
10 cation Act;

11 “(dd) implementation of
12 supports for teachers and other
13 school personnel, which may in-
14 clude professional development
15 and other activities to improve
16 instruction, activities to recruit
17 and retain effective teachers, par-
18 ticularly in high-need schools,
19 and using data from academic
20 assessments under section
21 1111(b)(2) and other formative
22 and summative assessments to
23 improve instruction;

24 “(ee) programs, activities,
25 and courses in the core academic

1 subjects to assist children in
2 meeting the challenging State
3 academic standards; and

4 “(ff) other strategies to im-
5 prove student’s academic and
6 nonacademic skills essential for
7 success; and

8 “(IV) be monitored and improved
9 over time based on student needs, in-
10 cluding increased supports for those
11 students who are lowest-achieving;

12 “(iii) if programs are consolidated, a
13 list of State educational agency and local
14 educational agency programs and other
15 Federal programs that will be consolidated
16 in the schoolwide program; and

17 “(iv) if appropriate, how funds will be
18 used to establish or enhance early child-
19 hood education programs for children who
20 are aged 5 or younger, including how pro-
21 grams will help transition such children to
22 local elementary school programs.

23 “(3) IDENTIFICATION OF STUDENTS NOT RE-
24 QUIRED.—

1 “(A) IN GENERAL.—No school partici-
2 pating in a schoolwide program shall be re-
3 quired to identify—

4 “(i) particular children under this
5 part as eligible to participate in a
6 schoolwide program; or

7 “(ii) individual services as supple-
8 mentary.

9 “(B) SUPPLEMENTAL FUNDS.—In accord-
10 ance with the method of determination de-
11 scribed in section 1117, a school participating
12 in a schoolwide program shall use funds avail-
13 able to carry out this paragraph only to supple-
14 ment the amount of funds that would, in the
15 absence of funds under this part, be made
16 available from non-Federal sources for the
17 school, including funds needed to provide serv-
18 ices that are required by law for children with
19 disabilities and children who are English learn-
20 ers.

21 “(4) EXEMPTION FROM STATUTORY AND REGU-
22 LATORY REQUIREMENTS.—

23 “(A) EXEMPTION.—The Secretary may,
24 through publication of a notice in the Federal
25 Register, exempt schoolwide programs under

1 this section from statutory or regulatory provi-
2 sions of any other noncompetitive formula grant
3 program administered by the Secretary (other
4 than formula or discretionary grant programs
5 under the Individuals with Disabilities Edu-
6 cation Act, except as provided in section
7 613(a)(2)(D) of such Act), or any discretionary
8 grant program administered by the Secretary,
9 to support schoolwide programs if the intent
10 and purposes of such other programs are met.

11 “(B) REQUIREMENTS.—A school that
12 chooses to use funds from such other programs
13 shall not be relieved of the requirements relat-
14 ing to health, safety, civil rights, student and
15 parental participation and involvement, services
16 to private school children, comparability of serv-
17 ices, maintenance of effort, uses of Federal
18 funds to supplement, not supplant non-Federal
19 funds (in accordance with the method of deter-
20 mination described in section 1117), or the dis-
21 tribution of funds to State educational agencies
22 or local educational agencies that apply to the
23 receipt of funds from such programs.

24 “(C) RECORDS.—A school that chooses to
25 consolidate and use funds from different Fed-

1 eral programs under this paragraph shall not be
2 required to maintain separate fiscal accounting
3 records, by program, that identify the specific
4 activities supported by those particular funds as
5 long as the school maintains records that dem-
6 onstrate that the schoolwide program, consid-
7 ered as a whole, addresses the intent and pur-
8 poses of each of the Federal programs that
9 were consolidated to support the schoolwide
10 program.

11 “(5) PRESCHOOL PROGRAMS.—A school that
12 operates a schoolwide program under this subsection
13 may use funds made available under this part to es-
14 tablish, expand, or enhance preschool programs for
15 children aged 5 or younger.

16 “(d) TARGETED ASSISTANCE SCHOOL PROGRAMS.—

17 “(1) IN GENERAL.—Each school selected to re-
18 ceive funds under subsection (a)(3) for which the
19 local educational agency serving such school, based
20 on the results of the comprehensive needs assess-
21 ment conducted under subsection (b)(2), determines
22 the school shall operate a targeted assistance school
23 program, may use funds received under this part
24 only for programs that provide services to eligible

1 children under paragraph (3) who are identified as
2 having the greatest need for special assistance.

3 “(2) TARGETED ASSISTANCE SCHOOL PRO-
4 GRAM.—Each school operating a targeted assistance
5 school program shall develop a plan, in consultation
6 with the local educational agency and other individ-
7 uals as determined by the school, that includes—

8 “(A) a description of the results of the
9 comprehensive needs assessments of the entire
10 school required under subsection (b)(2);

11 “(B) a description of the process for deter-
12 mining which students will be served and the
13 students to be served;

14 “(C) a description of how the activities
15 supported under this part will be coordinated
16 with and incorporated into the regular edu-
17 cation program of the school;

18 “(D) a description of how the program will
19 serve participating students identified under
20 subparagraph (B), including by—

21 “(i) using resources under this part,
22 such as support for programs, activities,
23 and courses in core academic subjects to
24 help participating children meet the chal-
25 lenging State academic standards;

1 “(ii) using methods and instructional
2 strategies that are evidence-based to
3 strengthen the core academic program of
4 the school and that may include—

5 “(I) expanded learning time,
6 before- and after-school programs,
7 and summer programs and opportuni-
8 ties; or

9 “(II) a multi-tiered system of
10 supports, positive behavioral interven-
11 tions and supports, and early inter-
12 vening services;

13 “(iii) coordinating with and sup-
14 porting the regular education program,
15 which may include services to assist pre-
16 school children in the transition from early
17 childhood education programs such as
18 Head Start, the literacy program under
19 part D of title II, or State-run preschool
20 programs to elementary school programs;

21 “(iv) supporting effective teachers,
22 principals, other school leaders, paraprofes-
23 sionals, and, if appropriate, specialized in-
24 structional support personnel, and other
25 school personnel who work with partici-

1 pating children in programs under this
2 subsection or in the regular education pro-
3 gram with resources provided under this
4 part, and, to the extent practicable, from
5 other sources, through professional devel-
6 opment;

7 “(v) implementing strategies to in-
8 crease parental involvement of parents of
9 participating children in accordance with
10 section 1115; and

11 “(vi) if applicable, coordinating and
12 integrating Federal, State, and local serv-
13 ices and programs, such as programs sup-
14 ported under this Act, violence prevention
15 programs, nutrition programs, housing
16 programs, Head Start programs, adult
17 education programs, career and technical
18 education, and intervention and supports
19 in schools identified as in need of interven-
20 tion and support under section 1114; and

21 “(E) assurances that the school will—

22 “(i) help provide an accelerated, high-
23 quality curriculum;

24 “(ii) minimize removing children from
25 the regular classroom during regular

1 school hours for instruction provided under
2 this part; and

3 “(iii) on an ongoing basis, review the
4 progress of participating children and re-
5 vise the plan under this section, if nec-
6 essary, to provide additional assistance to
7 enable such children to meet the chal-
8 lenging State academic standards.

9 “(3) ELIGIBLE CHILDREN.—

10 “(A) ELIGIBLE POPULATION.—

11 “(i) IN GENERAL.—The eligible popu-
12 lation for services under this subsection
13 shall be—

14 “(I) children not older than age
15 21 who are entitled to a free public
16 education through grade 12; and

17 “(II) children who are not yet at
18 a grade level at which the local edu-
19 cational agency provides a free public
20 education.

21 “(ii) ELIGIBLE CHILDREN FROM ELI-
22 GIBLE POPULATION.—From the population
23 described in clause (i), eligible children are
24 children identified by the school as failing,
25 or most at risk of failing, to meet the chal-

1 lenging State academic standards on the
2 basis of multiple, educationally related, ob-
3 jective criteria established by the local edu-
4 cational agency and supplemented by the
5 school, except that children from preschool
6 through grade 2 shall be selected solely on
7 the basis of criteria, including objective cri-
8 teria, established by the local educational
9 agency and supplemented by the school.

10 “(B) CHILDREN INCLUDED.—

11 “(i) IN GENERAL.—Children who are
12 economically disadvantaged, children with
13 disabilities, migrant children, or children
14 who are English learners, are eligible for
15 services under this subsection on the same
16 basis as other children selected to receive
17 services under this subsection.

18 “(ii) HEAD START AND PRESCHOOL
19 CHILDREN.—A child who, at any time in
20 the 2 years preceding the year for which
21 the determination is made, participated in
22 a Head Start program, the literacy pro-
23 gram under part D of title II, or in pre-
24 school services under this title, is eligible
25 for services under this subsection.

1 “(iii) MIGRANT CHILDREN.—A child
2 who, at any time in the 2 years preceding
3 the year for which the determination is
4 made, received services under part C is eli-
5 gible for services under this subsection.

6 “(iv) NEGLECTED OR DELINQUENT
7 CHILDREN.—A child in a local institution
8 for neglected or delinquent children and
9 youth or attending a community day pro-
10 gram for such children is eligible for serv-
11 ices under this subsection.

12 “(v) HOMELESS CHILDREN.—A child
13 who is homeless and attending any school
14 served by the local educational agency is
15 eligible for services under this subsection.

16 “(C) SPECIAL RULE.—Funds received
17 under this subsection may not be used to pro-
18 vide services that are otherwise required by law
19 to be made available to children described in
20 subparagraph (B) but may be used to coordi-
21 nate or supplement such services.

22 “(4) INTEGRATION OF PROFESSIONAL DEVEL-
23 OPMENT.—To promote the integration of staff sup-
24 ported with funds under this subsection into the reg-
25 ular school program and overall school planning and

1 improvement efforts, public school personnel who are
2 paid with funds received under this subsection
3 may—

4 “(A) participate in general professional de-
5 velopment and school planning activities; and

6 “(B) assume limited duties that are as-
7 signed to similar personnel who are not so paid,
8 including duties beyond classroom instruction
9 or that do not benefit participating children, so
10 long as the amount of time spent on such du-
11 ties is the same proportion of total work time
12 as prevails with respect to similar personnel at
13 the same school.

14 “(5) SPECIAL RULES.—

15 “(A) SIMULTANEOUS SERVICE.—Nothing
16 in this subsection shall be construed to prohibit
17 a school from serving students under this sub-
18 section simultaneously with students with simi-
19 lar educational needs, in the same educational
20 settings where appropriate.

21 “(B) COMPREHENSIVE SERVICES.—If
22 health, nutrition, and other social services are
23 not otherwise available to eligible children in a
24 school operating a targeted assistance school
25 program and such school, if appropriate, has

1 established a collaborative partnership with
2 local service providers and funds are not rea-
3 sonably available from other public or private
4 sources to provide such services, then a portion
5 of the funds provided under this subsection may
6 be used to provide such services, including
7 through—

8 “(i) the provision of basic medical
9 equipment and services, such as eyeglasses
10 and hearing aids;

11 “(ii) compensation of a coordinator;

12 “(iii) family support and engagement
13 services;

14 “(iv) health care services and inte-
15 grated student supports to address the
16 physical, mental, and emotional well-being
17 of children; and

18 “(v) professional development nec-
19 essary to assist teachers, specialized in-
20 structional support personnel, other staff,
21 and parents in identifying and meeting the
22 comprehensive needs of eligible children.

23 “(e) PROHIBITION.—Nothing in this section shall be
24 construed to authorize the Secretary or any other officer
25 or employee of the Federal Government to require a local

1 educational agency or school to submit the results of a
 2 comprehensive needs assessment under subsection (b)(2)
 3 or a plan under subsection (c) or (d) for review or approval
 4 by the Secretary.

5 **“SEC. 1114. SCHOOL IDENTIFICATION, INTERVENTIONS,**
 6 **AND SUPPORTS.**

7 “(a) STATE REVIEW AND RESPONSIBILITIES.—

8 “(1) IN GENERAL.—Each State educational
 9 agency receiving funds under this part shall use the
 10 system designed by the State under section
 11 1111(b)(3) to annually—

12 “(A) identify the public schools that re-
 13 ceive funds under this part and are in need of
 14 intervention and support using the method es-
 15 tablished by the State in section
 16 1111(b)(3)(B)(iii);

17 “(B) require for inclusion—

18 “(i) on each local educational agency
 19 report card required under section
 20 1111(d), the names of schools served by
 21 the agency identified under subparagraph
 22 (A); and

23 “(ii) on each school report card re-
 24 quired under section 1111(d), whether the

1 school was identified under subparagraph
2 (A);

3 “(C) ensure that all public schools that re-
4 ceive funds under this part and are identified as
5 in need of intervention and support under sub-
6 paragraph (A), implement an evidence-based
7 intervention or support strategy designed by the
8 State or local educational agency described in
9 subparagraph (A) or (B) of subsection (b)(3);

10 “(D) prioritize intervention and supports
11 in the identified schools most in need of inter-
12 vention and support, as determined by the
13 State, using the results of the accountability
14 system under 1111(b)(3)(B)(iii); and

15 “(E) monitor and evaluate the implementa-
16 tion of school intervention and support strate-
17 gies by local educational agencies, including in
18 the lowest-performing elementary schools and
19 secondary schools in the State, and use the re-
20 sults of the evaluation to take appropriate steps
21 to change or improve interventions or support
22 strategies as necessary.

23 “(2) STATE EDUCATIONAL AGENCY RESPON-
24 SIBILITIES.—The State educational agency shall—

1 “(A) make technical assistance available to
2 local educational agencies that serve schools
3 identified as in need of intervention and sup-
4 port under paragraph (1)(A);

5 “(B) if the State educational agency deter-
6 mines that a local educational agency failed to
7 carry out its responsibilities under this section,
8 take such actions as the State educational agen-
9 cy determines to be appropriate and in compli-
10 ance with State law to assist the local edu-
11 cational agency and ensure that such local edu-
12 cational agency is carrying out its responsibil-
13 ities;

14 “(C) inform local educational agencies of
15 schools identified as in need of intervention and
16 support under paragraph (1)(A) in a timely and
17 easily accessible manner that is before the be-
18 ginning of the school year; and

19 “(D) publicize and disseminate to the pub-
20 lic, including teachers, principals and other
21 school leaders, and parents, the results of the
22 State review under paragraph (1).

23 “(b) LOCAL EDUCATIONAL AGENCY REVIEW AND
24 RESPONSIBILITIES.—

1 “(1) IN GENERAL.—Each local educational
2 agency with a school identified as in need of inter-
3 vention and support under subsection (a)(1)(A)
4 shall, in consultation with teachers, principals and
5 other school leaders, school personnel, parents, and
6 community members—

7 “(A) conduct a review of such school, in-
8 cluding by examining the indicators and meas-
9 ures included in the State-determined account-
10 ability system described in section
11 1111(b)(3)(B) to determine the factors that led
12 to such identification;

13 “(B) conduct a review of the policies, pro-
14 cedures, personnel decisions, and budgetary de-
15 cisions of the local educational agency, includ-
16 ing the measures on the local educational agen-
17 cy and school report cards under section
18 1111(d) that impact the school and could have
19 contributed to the identification of the school;

20 “(C) develop and implement appropriate
21 intervention and support strategies, as de-
22 scribed in paragraph (3), that are proportional
23 to the identified needs of the school, for assist-
24 ing the identified school;

1 “(D) develop a rigorous comprehensive
2 plan that will be publicly available and provided
3 to parents, for ensuring the successful imple-
4 mentation of the intervention and support strat-
5 egies described in paragraph (3) in identified
6 schools, which may include—

7 “(i) technical assistance that will be
8 provided to the school;

9 “(ii) improved delivery of services to
10 be provided by the local educational agen-
11 cy;

12 “(iii) increased support for stronger
13 curriculum, program of instruction, wrap-
14 around services, or other resources pro-
15 vided to students in the school;

16 “(iv) any changes to personnel nec-
17 essary to improve educational opportunities
18 for children in the school;

19 “(v) redesigning how time for student
20 learning or teacher collaboration is used
21 within the school;

22 “(vi) using data to inform instruction
23 for continuous improvement;

1 “(vii) providing increased coaching or
2 support for principals and other school
3 leaders and teachers;

4 “(viii) improving school climate and
5 safety;

6 “(ix) providing ongoing mechanisms
7 for family and community engagement to
8 improve student learning; and

9 “(x) establishing partnerships with
10 entities, including private entities with a
11 demonstrated record of improving student
12 achievement, that will assist the local edu-
13 cational agency in fulfilling its responsibil-
14 ities under this section; and

15 “(E) collect and use data on an ongoing
16 basis to monitor the results of the intervention
17 and support strategies and adjust such strate-
18 gies as necessary during implementation in
19 order to improve student academic achievement.

20 “(2) NOTICE TO PARENTS.—A local educational
21 agency shall promptly provide to a parent or parents
22 of each student enrolled in a school identified as in
23 need of intervention and support under subsection
24 (a)(1)(A) in an easily accessible and understandable

1 form and, to the extent practicable, in a language
2 that parents can understand—

3 “(A) an explanation of what the identifica-
4 tion means, and how the school compares in
5 terms of academic achievement and other meas-
6 ures in the State accountability system under
7 section 1111(b)(3)(B) to other schools served
8 by the local educational agency and the State
9 educational agency involved;

10 “(B) the reasons for the identification;

11 “(C) an explanation of what the local edu-
12 cational agency or State educational agency is
13 doing to help the school address student aca-
14 demic achievement and other measures, includ-
15 ing a description of the intervention and sup-
16 port strategies developed under paragraph
17 (1)(C) that will be implemented in the school;

18 “(D) an explanation of how the parents
19 can become involved in addressing academic
20 achievement and other measures that caused
21 the school to be identified; and

22 “(E) an explanation of the parents’ option
23 to transfer their child to another public school
24 under paragraph (4), if applicable.

1 “(3) SCHOOL INTERVENTION AND SUPPORT
2 STRATEGIES.—

3 “(A) IN GENERAL.—Consistent with sub-
4 section (a)(1) and paragraph (1), a local edu-
5 cational agency shall develop and implement
6 evidence-based intervention and support strate-
7 gies for an identified school that the local edu-
8 cational agency determines appropriate to ad-
9 dress the needs of students in such identified
10 school, which shall—

11 “(i) be designed to address the spe-
12 cific reasons for identification, as described
13 in subparagraphs (A) and (B) of para-
14 graph (1);

15 “(ii) be implemented, at a minimum,
16 in a manner that is proportional to the
17 specific reasons for identification, as de-
18 scribed in subparagraphs (A) and (B) of
19 paragraph (1); and

20 “(iii) distinguish between the lowest-
21 performing schools and other schools iden-
22 tified as in need of intervention and sup-
23 port for other reasons, including schools
24 with categories of students, as defined in
25 section 1111(b)(3)(A), not meeting the

1 goals described in section 1111(b)(3)(B)(i),
2 as determined by the review in subpara-
3 graphs (A) and (B) of paragraph (1).

4 “(B) STATE DETERMINED STRATEGIES.—
5 Consistent with State law, a State educational
6 agency may establish alternative evidence-based
7 State determined strategies that can be used by
8 local educational agencies to assist a school
9 identified as in need of intervention and sup-
10 port under subsection (a)(1)(A), in addition to
11 the assistance strategies developed by a local
12 educational agency under subparagraph (A).

13 “(4) PUBLIC SCHOOL CHOICE.—

14 “(A) IN GENERAL.—A local educational
15 agency may provide all students enrolled in a
16 school identified as in need of intervention and
17 support under subsection (a)(1)(A) with the op-
18 tion to transfer to another public school served
19 by the local educational agency, unless such an
20 option is prohibited by State law.

21 “(B) PRIORITY.—In providing students the
22 option to transfer to another public school, the
23 local educational agency shall give priority to
24 the lowest achieving children from low-income
25 families, as determined by the local educational

1 agency for the purposes of allocating funds to
2 schools under section 1113(a)(3).

3 “(C) TREATMENT.—Students who use the
4 option to transfer to another public school shall
5 be enrolled in classes and other activities in the
6 public school to which the students transfer in
7 the same manner as all other children at the
8 public school.

9 “(D) SPECIAL RULE.—A local educational
10 agency shall permit a child who transfers to an-
11 other public school under this paragraph to re-
12 main in that school until the child has com-
13 pleted the highest grade in that school.

14 “(E) FUNDING FOR TRANSPORTATION.—A
15 local educational agency may spend an amount
16 equal to not more than 5 percent of its alloca-
17 tion under subpart 2 to pay for the provision of
18 transportation for students who transfer under
19 this paragraph to the public schools to which
20 the students transfer.

21 “(5) PROHIBITIONS ON FEDERAL INTER-
22 FERENCE WITH STATE AND LOCAL DECISIONS.—
23 Nothing in this section shall be construed to author-
24 ize or permit the Secretary to establish any criterion
25 that specifies, defines, or prescribes—

1 “(A) any school intervention or support
2 strategy that States or local educational agen-
3 cies shall use to assist schools identified as in
4 need of intervention and support under this sec-
5 tion; or

6 “(B) the weight of any indicator or meas-
7 ure that a State shall use to identify schools
8 under subsection (a).

9 “(c) FUNDS FOR LOCAL SCHOOL INTERVENTIONS
10 AND SUPPORTS.—

11 “(1) IN GENERAL.—

12 “(A) GRANTS AUTHORIZED.—From the
13 total amount appropriated under section
14 1002(f) for a fiscal year, the Secretary shall
15 award grants to States and the Bureau of In-
16 dian Education of the Department of the Inte-
17 rior, through an allotment as determined under
18 subparagraph (B), to carry out the activities
19 described in this subsection.

20 “(B) ALLOTMENTS.—From the total
21 amount appropriated under section 1002(f) for
22 a fiscal year, the Secretary shall allot to each
23 State, the Bureau of Indian Education of the
24 Department of the Interior, and each outlying
25 area for such fiscal year with an approved ap-

1 plication, an amount that bears the same rela-
2 tionship to such total amount as the amount
3 such State, the Bureau of Indian Education of
4 the Department of the Interior, or such out-
5 lying area received under parts A, C, and D of
6 this title for the most recent preceding fiscal
7 year for which the data are available bears to
8 the amount received by all such States, the Bu-
9 reau of Indian Education of the Department of
10 the Interior, and all such outlying areas under
11 parts A, C, and D of this title for such most
12 recent preceding fiscal year.

13 “(2) STATE APPLICATION.—A State that de-
14 sires to receive school improvement funds under this
15 subsection shall submit an application to the Sec-
16 retary at such time and in such manner as the Sec-
17 retary may require, which shall include a description
18 of—

19 “(A) the process and the criteria that the
20 State will use to award subgrants under para-
21 graph (4)(A), including how the subgrants will
22 serve schools identified by the State as the low-
23 est-performing schools under subsection (a)(1);

24 “(B) the process and the criteria the State
25 will use to determine whether the local edu-

1 educational agency’s proposal for serving each
2 identified school meets the requirements of
3 paragraph (6) and other provisions of this sec-
4 tion;

5 “(C) how the State will ensure that local
6 educational agencies conduct a comprehensive
7 review of each identified school as required
8 under subsection (b) to identify evidence-based
9 school intervention and support strategies that
10 are likely to be successful in each particular
11 school;

12 “(D) how the State will ensure geographic
13 diversity in making subgrants;

14 “(E) how the State will set priorities in
15 awarding subgrants to local educational agen-
16 cies, including how the State will prioritize local
17 educational agencies serving elementary schools
18 and secondary schools identified as the lowest-
19 performing schools under subsection (a)(1) that
20 will use subgrants to serve such schools;

21 “(F) how the State will monitor and evalu-
22 ate the implementation of evidence-based school
23 intervention and support strategies supported
24 by funds under this subsection; and

1 “(G) how the State will reduce barriers for
2 schools in the implementation of school inter-
3 vention and support strategies, including by
4 providing operational flexibility that would en-
5 able complete implementation of the selected
6 school improvement strategy.

7 “(3) STATE ADMINISTRATION; TECHNICAL AS-
8 SISTANCE; EXCEPTION.—

9 “(A) IN GENERAL.—A State that receives
10 an allotment under this subsection may reserve
11 not more than a total of 5 percent of such allot-
12 ment for the administration of this subsection
13 to carry out its responsibilities under subsection
14 (a)(2) to support school and local educational
15 agency interventions and supports, which may
16 include activities aimed at building State capac-
17 ity to support and monitor the local educational
18 agency and school intervention and supports.

19 “(B) EXCEPTION.—Notwithstanding sub-
20 paragraph (A), a State educational agency may
21 reserve from the amount allotted under this
22 subsection additional funds to meet its respon-
23 sibilities under subsection (a)(2)(B) if a local
24 educational agency fails to carry out its respon-
25 sibilities under subsection (b), but shall not re-

1 serve more than necessary to meet such State
2 responsibilities.

3 “(4) SUBGRANTS TO LOCAL EDUCATIONAL
4 AGENCIES.—

5 “(A) IN GENERAL.—From the amounts
6 awarded to a State under this subsection, the
7 State educational agency shall allocate not less
8 than 95 percent to make subgrants to local edu-
9 cational agencies, on a competitive basis, to
10 serve schools identified as in need of interven-
11 tion and support under subsection (a)(1)(A).

12 “(B) DURATION.—The State educational
13 agency shall award subgrants under this para-
14 graph for a period of not more than 5 years,
15 which period may include a planning year.

16 “(C) CRITERIA.—Subgrants awarded
17 under this section shall be of sufficient size to
18 enable a local educational agency to effectively
19 implement the selected intervention and support
20 strategy.

21 “(D) RULE OF CONSTRUCTION.—Nothing
22 in this subsection shall be construed as prohib-
23 iting a State from allocating subgrants under
24 this subsection to a statewide school district,
25 consortium of local educational agencies, or an

1 educational service agency that serves schools
2 identified as in need of intervention and sup-
3 port under this section, if such entities are le-
4 gally constituted or recognized as local edu-
5 cational agencies in the State.

6 “(5) APPLICATION.—In order to receive a
7 subgrant under this subsection, a local educational
8 agency shall submit an application to the State edu-
9 cational agency at such time, in such form, and in-
10 cluding such information as the State educational
11 agency may require. Each application shall include,
12 at a minimum—

13 “(A) a description of the process the local
14 educational agency has used for selecting an ap-
15 propriate evidence-based school intervention and
16 support strategy for each school to be served,
17 including how the local educational agency has
18 analyzed the needs of each such school in ac-
19 cordance with subsection (b)(1) and meaning-
20 fully consulted with teachers, principals, and
21 other school leaders in selecting such interven-
22 tion and support strategy;

23 “(B) the specific evidence-based school
24 interventions and supports to be used in each
25 school to be served, how these interventions and

1 supports will address the needs identified in the
2 review under subsection (b)(1), and the timeline
3 for implementing such school interventions and
4 supports in each school to be served;

5 “(C) a detailed budget covering the grant
6 period, including planned expenditures at the
7 school level for activities supporting full and ef-
8 fective implementation of the selected school
9 intervention and support strategy;

10 “(D) a description of how the local edu-
11 cational agency will—

12 “(i) design and implement the selected
13 school intervention and support strategy,
14 in accordance with the requirements under
15 subsection (b)(1)(C), including the use of
16 appropriate measures to monitor the effec-
17 tiveness of implementation;

18 “(ii) use a rigorous review process to
19 recruit, screen, select, and evaluate any ex-
20 ternal partners with whom the local edu-
21 cational agency will partner;

22 “(iii) align other Federal, State, and
23 local resources with the intervention and
24 support strategy to reduce duplication, in-
25 crease efficiency, and assist identified

1 schools in complying with reporting re-
2 quirements of Federal and State programs;

3 “(iv) modify practices and policies, if
4 necessary, to provide operational flexibility
5 that enables full and effective implementa-
6 tion of the selected school intervention and
7 support strategy;

8 “(v) collect and use data on an ongo-
9 ing basis to adjust the intervention and
10 support strategy during implementation,
11 and if necessary, modify or implement a
12 different strategy if implementation is not
13 effective, in order to improve student aca-
14 demic achievement;

15 “(vi) ensure that the implementation
16 of the intervention and support strategy
17 meets the needs of each of the categories
18 of students, as defined in section
19 1111(b)(3)(A);

20 “(vii) provide information to parents,
21 guardians, teachers, and other stakeholders
22 about the effectiveness of implementation,
23 to the extent practicable, in a language
24 that the parents can understand; and

1 “(viii) sustain successful reforms and
2 practices after the funding period ends;

3 “(E) a description of the technical assist-
4 ance and other support that the local edu-
5 cational agency will provide to ensure effective
6 implementation of school intervention and sup-
7 port strategies in identified schools, in accord-
8 ance with subsection (b)(1)(D), such as ensur-
9 ing identified schools have access to resources
10 like facilities, professional development, and
11 technology and adopting human resource poli-
12 cies that prioritize recruitment, retention, and
13 placement of effective staff in identified schools;
14 and

15 “(F) an assurance that each school the
16 local educational agency proposes to serve will
17 receive all of the State and local funds it would
18 have received in the absence of funds received
19 under this subsection.

20 “(6) LOCAL ACTIVITIES.—A local educational
21 agency that receives a subgrant under this sub-
22 section—

23 “(A) shall use the subgrant funds to imple-
24 ment evidence-based school intervention and
25 support strategies in schools identified as in

1 need of intervention and support under sub-
2 section (a)(1)(A); and

3 “(B) may use the subgrant funds to carry
4 out, at the local educational agency level, activi-
5 ties that directly support the implementation of
6 the intervention and support strategies such
7 as—

8 “(i) assistance in data collection and
9 analysis;

10 “(ii) recruiting and retaining staff;

11 “(iii) high-quality, evidence-based
12 professional development;

13 “(iv) coordination of services to ad-
14 dress students’ non-academic needs; and

15 “(v) progress monitoring.

16 “(7) REPORTING.—A State that receives funds
17 under this subsection shall report to the Secretary a
18 list of all the local educational agencies that received
19 a subgrant under this subsection and for each local
20 educational agency that received a subgrant, a list of
21 all the schools that were served, the amount of funds
22 each school received, and the intervention and sup-
23 port strategies implemented in each school.

24 “(8) SUPPLEMENT NOT SUPPLANT.—A local
25 educational agency or State shall use Federal funds

1 received under this subsection only to supplement
2 the funds that would, in the absence of such Federal
3 funds, be made available from non-Federal sources
4 for the education of students participating in pro-
5 grams funded under this subsection.

6 “(d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to alter or otherwise affect the
8 rights, remedies, and procedures afforded school or school
9 district employees under Federal, State, or local laws (in-
10 cluding applicable regulations or court orders) or under
11 the terms of collective bargaining agreements, memoranda
12 of understanding, or other agreements between such em-
13 ployees and their employers.”;

14 (2) by striking section 1119; and

15 (3) by redesignating sections 1118, 1120,
16 1120A, and 1120B as sections 1115, 1116, 1117,
17 and 1118, respectively.

18 **SEC. 1005. PARENT AND FAMILY ENGAGEMENT.**

19 Section 1115, as redesignated by section 1004(3), is
20 amended—

21 (1) in the section heading, by striking “**PAREN-**
22 **TAL INVOLVEMENT**” and inserting “**PARENT AND**
23 **FAMILY ENGAGEMENT**”;

24 (2) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by inserting “conducts outreach to
2 all parents and family members and” after
3 “only if such agency”; and

4 (ii) by inserting “and family mem-
5 bers” after “and procedures for the in-
6 volvement of parents”;

7 (B) in paragraph (2)—

8 (i) in the matter preceding subpara-
9 graph (A)—

10 (I) by inserting “and family
11 members” after “, and distribute to,
12 parents”;

13 (II) by striking “written parent
14 involvement policy” and inserting
15 “written parent and family engage-
16 ment policy”; and

17 (III) by striking “expectations
18 for parent involvement” and inserting
19 “expectations and objectives for mean-
20 ingful parent and family involve-
21 ment”; and

22 (ii) by striking subparagraphs (A)
23 through (F) and inserting the following:

24 “(A) involve parents and family members
25 in jointly developing the local educational agen-

1 cy plan under section 1112 and the process of
2 school review and intervention and support
3 under section 1114;

4 “(B) provide the coordination, technical as-
5 sistance, and other support necessary to assist
6 and build the capacity of all participating
7 schools within the local educational agency in
8 planning and implementing effective parent and
9 family involvement activities to improve student
10 academic achievement and school performance,
11 which may include meaningful consultation with
12 employers, business leaders, and philanthropic
13 organizations, or individuals with expertise in
14 effectively engaging parents and family mem-
15 bers in education;

16 “(C) coordinate and integrate parent and
17 family engagement strategies under this part
18 with parent and family engagement strategies,
19 to the extent feasible and appropriate, with
20 other relevant Federal, State, and local laws
21 and programs;

22 “(D) conduct, with the meaningful involve-
23 ment of parents and family members, an annual
24 evaluation of the content and effectiveness of
25 the parent and family engagement policy in im-

1 proving the academic quality of all schools
2 served under this part, including identifying—

3 “(i) barriers to greater participation
4 by parents in activities authorized by this
5 section (with particular attention to par-
6 ents who are economically disadvantaged,
7 are disabled, are English learners, have
8 limited literacy, or are of any racial or eth-
9 nic minority background);

10 “(ii) the needs of parents and family
11 members to assist with the learning of
12 their children, including engaging with
13 school personnel and teachers; and

14 “(iii) strategies to support successful
15 school and family interactions;

16 “(E) use the findings of such evaluation in
17 subparagraph (D) to design evidence-based
18 strategies for more effective parental involve-
19 ment, and to revise, if necessary, the parent
20 and family engagement policies described in this
21 section; and

22 “(F) involve parents in the activities of the
23 schools served under this part, which may in-
24 clude establishing a parent advisory board com-
25 prised of a sufficient number and representative

1 group of parents or family members served by
2 the local educational agency to adequately rep-
3 resent the needs of the population served by
4 such agency for the purposes of developing, re-
5 vising, and reviewing the parent and family en-
6 gagement policy.”; and

7 (C) in paragraph (3)—

8 (i) in subparagraph (A), by striking
9 “to carry out this section, including pro-
10 moting family literacy and parenting
11 skills,” and insert “to assist schools to
12 carry out the activities described in this
13 section,”;

14 (ii) in subparagraph (B), by striking
15 “(B) PARENTAL INPUT.—Parents of chil-
16 dren” and inserting “(B) PARENT AND
17 FAMILY MEMBER INPUT.—Parents and
18 family members of children”;

19 (iii) in subparagraph (C)—

20 (I) by striking “95 percent” and
21 inserting “85 percent”; and

22 (II) by inserting “, with priority
23 given to high-need schools” after
24 “schools served under this part”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(D) USE OF FUNDS.—Funds reserved
4 under subparagraph (A) by a local educational
5 agency shall be used to carry out activities and
6 strategies consistent with the local educational
7 agency’s parent and family engagement policy,
8 including not less than 1 of the following:

9 “(i) Supporting schools and nonprofit
10 organizations in providing professional de-
11 velopment for local educational agency and
12 school personnel regarding parent and
13 family engagement strategies, which may
14 be provided jointly to teachers, school lead-
15 ers, specialized instructional support per-
16 sonnel, paraprofessionals, early childhood
17 educators, and parents and family mem-
18 bers.

19 “(ii) Supporting home visitation pro-
20 grams.

21 “(iii) Disseminating information on
22 best practices focused on parent and family
23 engagement, especially best practices for
24 increasing the engagement of economically

1 disadvantaged parents and family mem-
2 bers.

3 “(iv) Collaborating or providing sub-
4 grants to schools to enable such schools to
5 collaborate with community-based or other
6 organizations or employers with a dem-
7 onstrated track record of success in im-
8 proving and increasing parent and family
9 engagement.

10 “(v) Engaging in any other activities
11 and strategies that the local educational
12 agency determines are appropriate and
13 consistent with such agency’s parent and
14 family engagement policy, which may in-
15 clude adult education and literacy activi-
16 ties, as defined in section 203 of the Adult
17 Education and Family Literacy Act.”;

18 (3) in subsection (b)—

19 (A) in the subsection heading, by striking
20 “PARENTAL INVOLVEMENT POLICY” and in-
21 serting “PARENTAL AND FAMILY ENGAGEMENT
22 POLICY”;

23 (B) in paragraph (1)—

24 (i) by inserting “and family members”
25 after “distribute to, parents”; and

1 (ii) by striking “written parental in-
2 volvement policy” and inserting “written
3 parent and family engagement policy”;

4 (C) in paragraph (2)—

5 (i) by striking “parental involvement
6 policy” and inserting “parent and family
7 engagement policy”; and

8 (ii) by inserting “and family mem-
9 bers” after “that applies to all parents”;
10 and

11 (D) in paragraph (3)—

12 (i) by striking “school district-level
13 parental involvement policy” and inserting
14 “district-level parent and family engage-
15 ment policy”; and

16 (ii) by inserting “and family members
17 in all schools served by the local edu-
18 cational agency” after “policy that applies
19 to all parents”;

20 (4) in subsection (c)—

21 (A) in paragraph (3), by striking “parental
22 involvement policy” and inserting “parent and
23 family engagement policy”;

24 (B) in paragraph (4)(B), by striking “the
25 proficiency levels students are expected to

1 meet” and inserting “the achievement levels of
2 the challenging State academic standards”; and

3 (C) in paragraph (5), by striking “section
4 1114(b)(2)” and inserting “section
5 1113(c)(2)”;

6 (5) in subsection (d)—

7 (A) in the matter preceding paragraph (1),
8 by striking “parental involvement policy” and
9 inserting “parent and family engagement pol-
10 icy”;

11 (B) in paragraph (1)—

12 (i) by striking “the State’s student
13 academic achievement standards” and in-
14 serting “the challenging State academic
15 standards”; and

16 (ii) by striking “, such as monitoring
17 attendance, homework completion, and tel-
18 evision watching”; and

19 (C) in paragraph (2)—

20 (i) in subparagraph (B), by striking
21 “and” after the semicolon;

22 (ii) in subparagraph (C), by striking
23 the period and inserting “; and”; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(D) ensuring regular two-way, meaningful
2 communication between family members and
3 school staff, to the extent practicable, in a lan-
4 guage that family members can understand and
5 access.”;

6 (6) in subsection (e)—

7 (A) in paragraph (1), by striking “the
8 State’s academic content standards and State
9 student academic achievement standards” and
10 inserting “the challenging State academic
11 standards”;

12 (B) in paragraph (3), by striking “pupil
13 services personnel, principals” and inserting
14 “specialized instructional support personnel,
15 principals, and other school leaders”; and

16 (C) in paragraph (4), by striking “Head
17 Start, Reading First, Early Reading First,
18 Even Start, the Home Instruction Programs for
19 Preschool Youngsters, the Parents as Teachers
20 Program,” and inserting “other relevant Fed-
21 eral, State, and local laws,”;

22 (7) by striking subsection (f) and inserting the
23 following:

24 “(f) ACCESSIBILITY.—In carrying out the parent and
25 family engagement requirements of this part, local edu-

1 cational agencies and schools, to the extent practicable,
 2 shall provide opportunities for the full and informed par-
 3 ticipation of parents and family members (including par-
 4 ents and family members who are English learners, par-
 5 ents and family members with disabilities, and parents
 6 and family members of migratory children), including pro-
 7 viding information and school reports required under sec-
 8 tion 1111 in a format and, to the extent practicable, in
 9 a language such parents understand.”; and

10 (8) in subsection (h), by striking “parental in-
 11 volvement policies” and inserting “parent and family
 12 engagement policies”.

13 **SEC. 1006. PARTICIPATION OF CHILDREN ENROLLED IN**
 14 **PRIVATE SCHOOLS.**

15 Section 1116, as redesignated by section 1004(3), is
 16 amended—

17 (1) in subsection (a)—

18 (A) in paragraph (1)—

19 (i) by striking “section 1115(b)” and
 20 inserting “section 1113(d)(3)”; and

21 (ii) by striking “sections 1118 and
 22 1119” and inserting “section 1115”; and

23 (B) by striking paragraph (4) and insert-
 24 ing the following:

25 “(4) EXPENDITURES.—

1 “(A) IN GENERAL.—Expenditures for edu-
2 cational services and other benefits to eligible
3 private school children shall be equal to the pro-
4 portion of funds allocated to participating
5 school attendance areas based on the number of
6 children from low-income families who attend
7 private schools.

8 “(B) TERM OF DETERMINATION.—The
9 local educational agency may determine the eq-
10 uitable share each year or every 2 years.

11 “(C) METHOD OF DETERMINATION.—The
12 proportional share of funds shall be deter-
13 mined—

14 “(i) based on the total allocation re-
15 ceived by the local educational agency; and

16 “(ii) prior to any allowable expendi-
17 tures or transfers by the local educational
18 agency.”; and

19 (2) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (E)—

22 (I) by striking “and” before “the
23 proportion of funds”; and

- 1 (II) by inserting “, and how that
2 proportion of funds is determined”
3 after “such services”;
- 4 (ii) in subparagraph (F), by striking
5 “section 1113(c)(1)” and inserting “sec-
6 tion 1113(a)(3)”;
- 7 (iii) in subparagraph (G), by striking
8 “and” after the semicolon;
- 9 (iv) in subparagraph (H), by striking
10 the period at the end and inserting “;
11 and”; and
- 12 (v) by adding at the end the following:
13 “(I) whether the agency shall
14 provide services directly or assign re-
15 sponsibility for the provision of serv-
16 ices to a separate government agency,
17 consortium, or entity, or to a third-
18 party contractor.”; and
- 19 (B) in paragraph (5)(A)—
- 20 (i) by striking “or” before “did not
21 give due consideration”; and
- 22 (ii) by inserting “, or did not make a
23 decision that treats the private school stu-
24 dents equitably as required by this section”
25 before the period at the end.

1 **SEC. 1007. SUPPLEMENT, NOT SUPPLANT.**

2 Section 1117, as redesignated by section 1004(3), is
3 amended by striking subsection (b) and inserting the fol-
4 lowing:

5 “(b) **FEDERAL FUNDS TO SUPPLEMENT, NOT SUP-**
6 **PLANT, NON-FEDERAL FUNDS.—**

7 “(1) **IN GENERAL.—**A State educational agency
8 or local educational agency shall use Federal funds
9 received under this part only to supplement the
10 funds that would, in the absence of such Federal
11 funds, be made available from non-Federal sources
12 for the education of students participating in pro-
13 grams assisted under this part, and not to supplant
14 such funds.

15 “(2) **COMPLIANCE.—**To demonstrate compli-
16 ance with paragraph (1), a local educational agency
17 shall demonstrate that the methodology used to allo-
18 cate State and local funds to each school receiving
19 assistance under this part ensures that such school
20 receives all of the State and local funds it would oth-
21 erwise receive if it were not receiving assistance
22 under this part.

23 “(3) **SPECIAL RULE.—**No local educational
24 agency shall be required to—

1 “(A) identify that an individual cost or
2 service supported under this part is supple-
3 mental; and

4 “(B) provide services under this part
5 through a particular instructional method or in
6 a particular instructional setting in order to
7 demonstrate such agency’s compliance with
8 paragraph (1).

9 “(4) PROHIBITION.—Nothing in this section
10 shall be construed to authorize or permit the Sec-
11 retary to establish any criterion that specifies, de-
12 fines, or prescribes the specific methodology a local
13 educational agency uses to allocate State and local
14 funds to each school receiving assistance under this
15 part.

16 “(5) TIMELINE.—A local educational agency—

17 “(A) shall meet the compliance require-
18 ment under paragraph (2) not later than 2
19 years after the date of enactment of the Every
20 Child Achieves Act of 2015; and

21 “(B) may demonstrate compliance with the
22 requirement under paragraph (1) before the
23 end of such 2-year period using the method
24 such local educational agency used on the day

1 before the date of enactment of the Every Child
2 Achieves Act of 2015.”.

3 **SEC. 1008. COORDINATION REQUIREMENTS.**

4 Section 1118, as redesignated by section 1004(3), is
5 amended—

6 (1) in subsection (a), by striking “early child-
7 hood development programs such as the Early Read-
8 ing First program” and inserting “, early childhood
9 education programs, including by developing agree-
10 ments with such Head Start agencies and other enti-
11 ties to carry out such activities”; and

12 (2) in subsection (b)—

13 (A) in the matter preceding paragraph (1),
14 by striking “early childhood development pro-
15 grams, such as the Early Reading First pro-
16 gram,” and inserting “early childhood edu-
17 cation programs”;

18 (B) in paragraph (1), by striking “early
19 childhood development program such as the
20 Early Reading First program” and inserting
21 “early childhood education program”;

22 (C) in paragraph (2), by striking “early
23 childhood development programs such as the
24 Early Reading First program” and inserting
25 “early childhood education programs”;

1 (D) in paragraph (3), by striking “early
2 childhood development programs such as the
3 Early Reading First program” and inserting
4 “early childhood education programs”;

5 (E) in paragraph (4)—

6 (i) by striking “Early Reading First
7 program staff,”; and

8 (ii) by striking “early childhood devel-
9 opment program” and inserting “early
10 childhood education program”;

11 (F) in paragraph (5), by striking “and en-
12 tities carrying out Early Reading First pro-
13 grams”.

14 **SEC. 1009. GRANTS FOR THE OUTLYING AREAS AND THE**
15 **SECRETARY OF THE INTERIOR.**

16 Section 1121(b)(3)(C)(ii) (20 U.S.C.
17 6331(b)(3)(C)(ii)) is amended by striking “challenging
18 State academic content standards” and inserting “chal-
19 lenging State academic standards”.

20 **SEC. 1010. ALLOCATIONS TO STATES.**

21 Section 1122(a) (20 U.S.C. 6332(a)) is amended by
22 striking “for each of fiscal years 2002–2007” and insert-
23 ing “for each of fiscal years 2016 through 2021”.

24 **SEC. 1011. MAINTENANCE OF EFFORT.**

25 Section 1125A (20 U.S.C. 6337) is amended—

1 (1) in subsection (c), by redesignating subpara-
2 graphs (A) and (B) as paragraphs (1) and (2), re-
3 spectively;

4 (2) in subsection (d)(1)(A)(ii), by striking
5 “clause “(i)” and inserting “clause (i)”;

6 (3) by striking subsection (e) and inserting the
7 following:

8 “(e) MAINTENANCE OF EFFORT.—

9 “(1) IN GENERAL.—A State is entitled to re-
10 ceive its full allotment of funds under this section
11 for any fiscal year if the Secretary finds that the
12 State’s fiscal effort per student or the aggregate ex-
13 penditures of the State with respect to the provision
14 of free public education by the State for the pre-
15 ceding fiscal year was not less than 90 percent of
16 the fiscal effort or aggregate expenditures for the
17 second preceding fiscal year, subject to the require-
18 ments of paragraph (2).

19 “(2) REDUCTION IN CASE OF FAILURE TO
20 MEET.—

21 “(A) IN GENERAL.—The Secretary shall
22 reduce the amount of the allotment of funds
23 under this section in any fiscal year in the exact
24 proportion by which a State fails to meet the
25 requirement of paragraph (1) by falling below

1 90 percent of both the fiscal effort per student
2 and aggregate expenditures (using the measure
3 most favorable to the State), if such State has
4 also failed to meet such requirement (as deter-
5 mined using the measure most favorable to the
6 State) for 1 or more of the 5 immediately pre-
7 ceding fiscal years.

8 “(B) SPECIAL RULE.—No such lesser
9 amount shall be used for computing the effort
10 required under paragraph (1) for subsequent
11 years.

12 “(3) WAIVER.—The Secretary may waive the
13 requirements of this subsection if the Secretary de-
14 termines that a waiver would be equitable due to—

15 “(A) exceptional or uncontrollable cir-
16 cumstances, such as a natural disaster or a
17 change in the organizational structure of the
18 State; or

19 “(B) a precipitous decline in the financial
20 resources of the State.”;

21 (4) in subsection (f), by striking “fiscal year
22 2002” and inserting “fiscal year 2016”; and

23 (5) in subsection (g)(3), in the matter pre-
24 ceding subparagraph (A), by striking “shall be” and
25 inserting “shall be—”.

1 **SEC. 1012. ACADEMIC ASSESSMENTS.**

2 Part B of title I (20 U.S.C. 6361 et seq.) is amended
3 to read as follows:

4 **“PART B—ACADEMIC ASSESSMENTS**

5 **“SEC. 1201. GRANTS FOR STATE ASSESSMENTS AND RE-**
6 **LATED ACTIVITIES.**

7 “From amounts made available in accordance with
8 section 1204, the Secretary shall make grants to States
9 to enable the States to carry out 1 or more of the fol-
10 lowing:

11 “(1) To pay the costs of the development of the
12 State assessments and standards adopted under sec-
13 tion 1111(b), which may include the costs of work-
14 ing in voluntary partnerships with other States, at
15 the sole discretion of each such State.

16 “(2) If a State has developed the assessments
17 adopted under section 1111(b), to administer those
18 assessments or to carry out other assessment activi-
19 ties described in this part, such as the following:

20 “(A) Expanding the range of appropriate
21 accommodations available to children who are
22 English learners and children with disabilities
23 to improve the rates of inclusion in regular as-
24 sessments of such children, including profes-
25 sional development activities to improve the im-

1 plementation of such accommodations in in-
2 structional practice.

3 “(B) Developing challenging State aca-
4 demic standards and aligned assessments in
5 academic subjects for which standards and as-
6 sessments are not required under section
7 1111(b).

8 “(C) Developing or improving assessments
9 of English language proficiency necessary to
10 comply with section 1111(b)(2)(G).

11 “(D) Ensuring the continued validity and
12 reliability of State assessments.

13 “(E) Refining State assessments to ensure
14 their continued alignment with the challenging
15 State academic standards and to improve the
16 alignment of curricula and instructional mate-
17 rials.

18 “(F) Developing or improving the quality,
19 validity, and reliability of assessments for chil-
20 dren who are English learners, including alter-
21 native assessments aligned with the challenging
22 State academic standards, testing accommoda-
23 tions for children who are English learners, and
24 assessments of English language proficiency.

1 “(G) Developing or improving balanced as-
2 sessment systems that include summative, in-
3 terim, and formative assessments, including
4 supporting local educational agencies in devel-
5 oping or improving such assessments.

6 **“SEC. 1202. GRANTS FOR ENHANCED ASSESSMENT INSTRU-**
7 **MENTS.**

8 “(a) GRANT PROGRAM AUTHORIZED.—From
9 amounts made available in accordance with section 1204,
10 the Secretary shall award, on a competitive basis, grants
11 to State educational agencies that have submitted applica-
12 tions at such time, in such manner, and containing such
13 information as the Secretary may reasonably require,
14 which demonstrate, to the satisfaction of the Secretary,
15 that the requirements of this section will be met, for one
16 of more of the following:

17 “(1) Allowing for collaboration with institutions
18 of higher education, other research institutions, or
19 other organizations to improve the quality, validity,
20 and reliability of State academic assessments beyond
21 the requirements for such assessments described in
22 section 1111(b)(2).

23 “(2) Developing or improving assessments for
24 students who are children with disabilities, including
25 using the principles of universal design for learning,

1 which may include developing assessments aligned to
2 alternate academic achievement standards for stu-
3 dents with the most significant cognitive disabilities
4 described in section 1111(b)(2)(D).

5 “(3) Measuring student progress or academic
6 growth over time, including by using multiple meas-
7 ures.

8 “(4) Evaluating student academic achievement
9 through the development of comprehensive academic
10 assessment instruments, such as performance and
11 technology-based academic assessments that empha-
12 size the mastery of standards and aligned com-
13 petencies in a competency-based education model,
14 technology-based academic assessments, computer
15 adaptive assessments, and portfolios, projects, or ex-
16 tended performance task assessments.

17 “(b) ANNUAL REPORT.—Each State educational
18 agency receiving a grant under this section shall submit
19 an annual report to the Secretary describing its activities
20 under the grant and the result of such activities.

21 “(c) PROHIBITION.—No funds provided under this
22 section to the Secretary shall be used to mandate, direct,
23 control, incentivize, or make financial awards conditioned
24 upon States (or a consortia of States) developing any as-

1 assessment common to a number of States, including testing
2 activities prohibited under section 9529.

3 **“SEC. 1203. AUDITS OF ASSESSMENT SYSTEMS.**

4 “(a) IN GENERAL.—From the amount reserved
5 under section 1204(b)(1)(C) for a fiscal year, the Sec-
6 retary shall make grants, from allotments in accordance
7 with subsection (b), to States to enable the States to—

8 “(1) in the case of a grant awarded under this
9 section to a State for the first time—

10 “(A) carry out audits of State assessment
11 systems and ensure that local educational agen-
12 cies carry out audits of local assessments under
13 subsection (e)(1);

14 “(B) prepare and carry out the State plan
15 under subsection (e)(6); and

16 “(C) award subgrants under subsection (f);
17 and

18 “(2) in the case of a grant awarded under this
19 section to a State that has previously received a
20 grant under this section—

21 “(A) carry out the State plan under sub-
22 section (e)(6); and

23 “(B) award subgrants under subsection
24 (f).

1 “(b) MINIMUM AMOUNT.—Each State with an ap-
2 proved application shall receive a grant amount of not less
3 than \$1,500,000 per fiscal year.

4 “(c) REALLOCATION.—If a State chooses not to apply
5 to receive a grant under this subsection, or if such State’s
6 application under subsection (d) is disapproved by the Sec-
7 retary, the Secretary shall reallocate such grant amount
8 to other States with approved applications.

9 “(d) APPLICATION.—A State desiring to receive a
10 grant under this section shall submit an application to the
11 Secretary at such time, in such manner, and containing
12 such information as the Secretary may require.

13 “(e) AUDITS OF STATE ASSESSMENT SYSTEMS AND
14 LOCAL ASSESSMENTS.—

15 “(1) AUDIT REQUIREMENTS.—Not later than 1
16 year after a State receives a grant under this section
17 for the first time, the State shall—

18 “(A) conduct an audit of the State assess-
19 ment system;

20 “(B) ensure that each local educational
21 agency under the State’s jurisdiction and re-
22 ceiving funds under this Act—

23 “(i) conducts an audit of each local
24 assessment administered by the local edu-
25 cational agency; and

1 “(ii) submits the results of such audit
2 to the State; and

3 “(C) report the results of each State and
4 local educational agency audit conducted under
5 subparagraphs (A) and (B), in a format that
6 is—

7 “(i) publicly available, such as a wide-
8 ly accessible online platform; and

9 “(ii) with appropriate accessibility
10 provisions for children with disabilities and
11 English learners.

12 “(2) RESOURCES FOR LOCAL EDUCATIONAL
13 AGENCIES.—In carrying out paragraph (1)(B), each
14 State shall develop and provide local educational
15 agencies with resources, such as guidelines and pro-
16 tocols, to assist the agencies in conducting and re-
17 porting the results of the audit required under such
18 paragraph.

19 “(3) STATE ASSESSMENT SYSTEM DESCRIP-
20 TION.—An audit of a State assessment system con-
21 ducted under paragraph (1) shall include a descrip-
22 tion of each State assessment carried out in the
23 State, including—

24 “(A) the grade and subject matter as-
25 sessed;

1 “(B) whether the assessment is required
2 under section 1111(b)(2) or allowed under sec-
3 tion 1111(b)(2)(D);

4 “(C) the annual cost to the State edu-
5 cational agency involved in developing, pur-
6 chasing, administering, and scoring the assess-
7 ment;

8 “(D) the purpose for which the assessment
9 was designed and the purpose for which the as-
10 sessment is used, including assessments de-
11 signed to contribute to systems of improvement
12 of teaching and learning;

13 “(E) the time for disseminating assess-
14 ment results;

15 “(F) a description of how the assessment
16 is aligned with the challenging State academic
17 standards under section 1111(b)(1);

18 “(G) a description of any State law or reg-
19 ulation that established the requirement for the
20 assessment;

21 “(H) the schedule and calendar for all
22 State assessments given; and

23 “(I) a description of the State’s policies for
24 inclusion of English learners and children with
25 disabilities participating in assessments, includ-

1 ing developing and promoting the use of appro-
2 priate accommodations.

3 “(4) LOCAL ASSESSMENT DESCRIPTION.—An
4 audit of a local assessment conducted under para-
5 graph (1) shall include a description of the local as-
6 sessment carried out by the local educational agency,
7 including—

8 “(A) the descriptions listed in subpara-
9 graphs (A), (D), and (E) of paragraph (3);

10 “(B) the annual cost to the local edu-
11 cational agency of developing, purchasing, ad-
12 ministering, and scoring the assessment;

13 “(C) the extent to which the assessment is
14 aligned to the challenging State academic
15 standards under section 1111(b)(1);

16 “(D) a description of any State or local
17 law or regulation that establishes the require-
18 ment for the assessment; and

19 “(E) in the case of a summative assess-
20 ment that is used for accountability purposes,
21 whether the assessment is valid and reliable and
22 consistent with nationally recognized profes-
23 sional and technical standards.

24 “(5) STAKEHOLDER FEEDBACK.—Each audit of
25 a State assessment system or local assessment sys-

1 tem conducted under subparagraph (A) or (B) of
2 paragraph (1) shall include feedback on such system
3 from education stakeholders, which shall cover infor-
4 mation such as—

5 “(A) how educators, school leaders, and
6 administrators use assessment data to improve
7 and differentiate instruction;

8 “(B) the timing of release of assessment
9 data;

10 “(C) the extent to which assessment data
11 is presented in an accessible and understand-
12 able format for educators, school leaders, par-
13 ents, students (if appropriate), and the commu-
14 nity;

15 “(D) the opportunities, resources, and
16 training educators and administrators are given
17 to review assessment results and make effective
18 use of assessment data;

19 “(E) the distribution of technological re-
20 sources and personnel necessary to administer
21 assessments;

22 “(F) the amount of time educators spend
23 on assessment preparation;

1 “(G) the assessments that administrators,
2 educators, parents, and students, if appropriate,
3 do and do not find useful;

4 “(H) the amount of time students spend
5 taking the assessments; and

6 “(I) other information as appropriate.

7 “(6) STATE PLAN ON AUDIT FINDINGS.—

8 “(A) PREPARING THE STATE PLAN.—Not
9 later than 6 months after a State conducts an
10 audit under paragraph (1) and based on the re-
11 sults of such audit, the State shall, in coordina-
12 tion with the local educational agencies under
13 the jurisdiction of the State, prepare and sub-
14 mit to the Secretary, a plan to improve and
15 streamline State assessment systems and local
16 assessment systems, including through activities
17 such as—

18 “(i) eliminating any assessments that
19 are not required by section 1111(b)(2)
20 (such as by buying out the remainder of
21 procurement contracts with assessment de-
22 velopers) and that—

23 “(I) are low-quality;

1 “(II) are not aligned to the chal-
2 lenging State academic standards
3 under section 1111(b)(1));

4 “(III) in the case of summative
5 assessments used for accountability
6 purposes, are not valid or reliable and
7 are inconsistent with nationally recog-
8 nized professional and technical
9 standards;

10 “(IV) do not contribute to sys-
11 tems of improvement for teaching and
12 learning; or

13 “(V) are redundant;

14 “(ii) supporting the dissemination of
15 best practices from local educational agen-
16 cies or other States that have successfully
17 improved assessment quality and efficiency
18 to improve teaching and learning;

19 “(iii) supporting local educational
20 agencies or consortia of local educational
21 agencies to carry out efforts to streamline
22 local assessment systems and implementing
23 a regular process of review and evaluation
24 of assessment use in local educational
25 agencies;

1 “(iv) disseminating the assessment
2 data in an accessible and understandable
3 format for educators, parents, and fami-
4 lies; and

5 “(v) decreasing time between admin-
6 istering such State assessments and releas-
7 ing assessment data.

8 “(B) CARRY OUT THE STATE PLAN.—A
9 State shall carry out a State plan as soon as
10 practicable after the State prepares such State
11 plan under subparagraph (A) and during each
12 grant period of a grant described in subsection
13 (a)(2) that is awarded to the State.

14 “(f) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
15 CIES.—

16 “(1) IN GENERAL.—From the amount awarded
17 to a State under this section, the State shall reserve
18 not less than 20 percent of funds to make subgrants
19 to local educational agencies in the State, or con-
20 sortia of such local educational agencies, based on
21 demonstrated need in the agency’s or consortium’s
22 application to improve assessment quality, use, and
23 alignment with the challenging State academic
24 standards under section 1111(b)(1).

1 “(2) LOCAL EDUCATIONAL AGENCY APPLICA-
2 TION.—Each local educational agency, or consortium
3 of local educational agencies, seeking a subgrant
4 under this subsection shall submit an application to
5 the State at such time, in such manner, and con-
6 taining such other information as determined by the
7 State. The application shall include a description of
8 the agency’s or consortium’s needs to improve as-
9 sessment quality, use, and alignment (as described
10 in paragraph (1)).

11 “(3) USE OF FUNDS.—A subgrant awarded
12 under this subsection to a local educational agency
13 or consortium of such agencies may be used to—

14 “(A) conduct an audit of local assessments
15 under subsection (e)(1)(B);

16 “(B) eliminate any assessments identified
17 for elimination by such audit, such as by buying
18 out the remainder of procurement contracts
19 with assessment developers;

20 “(C) disseminate the best practices de-
21 scribed in subsection (e)(6)(A)(ii);

22 “(D) improve the capacity of school leaders
23 and educators to disseminate assessment data
24 in an accessible and understandable format for

1 parents and families, including for children with
2 disabilities or English learners;

3 “(E) improve assessment delivery systems
4 and schedules, including by increasing access to
5 technology and exam proctors, where appro-
6 priate;

7 “(F) hire instructional coaches, or promote
8 educators who may receive increased compensa-
9 tion to serve as instructional coaches, to sup-
10 port educators to develop classroom-based as-
11 sessments, interpret assessment data, and de-
12 sign instruction; and

13 “(G) provide for appropriate accommoda-
14 tions to maximize inclusion of children with dis-
15 abilities and English learners participating in
16 assessments.

17 “(g) DEFINITIONS.—In this section:

18 “(1) LOCAL ASSESSMENT.—The term ‘local as-
19 sessment’ means an academic assessment selected
20 and carried out by a local educational agency that
21 is separate from an assessment required by section
22 1111(b)(2).

23 “(2) STATE.—The term ‘State’ means each of
24 the 50 States, the District of Columbia, and the
25 Commonwealth of Puerto Rico.

1 **“SEC. 1204. FUNDING.**

2 “(a) NATIONAL ASSESSMENT OF EDUCATIONAL
3 PROGRESS.—For the purpose of administering the State
4 assessments under the National Assessment of Edu-
5 cational Progress, there are authorized to be appropriated
6 such sums as may be necessary for fiscal years 2016
7 through 2021.

8 “(b) ALLOTMENT OF APPROPRIATED FUNDS.—

9 “(1) From amounts made available for each fis-
10 cal year under subsection 1002(b) that are equal to
11 or less than the amount described in section
12 1111(b)(2)(H), the Secretary shall—

13 “(A) reserve $\frac{1}{2}$ of 1 percent for the Bu-
14 reau of Indian Education;

15 “(B) reserve $\frac{1}{2}$ of 1 percent for the out-
16 lying areas;

17 “(C) reserve not more than 20 percent to
18 carry out section 1203; and

19 “(D) from the remainder, allocate to each
20 State for section 1201 an amount equal to—

21 “(i) \$3,000,000; and

22 “(ii) with respect to any amounts re-
23 maining after the allocation is made under
24 clause (i), an amount that bears the same
25 relationship to such total remaining
26 amounts as the number of students aged 5

1 through 17 in the State (as determined by
2 the Secretary on the basis of the most re-
3 cent satisfactory data) bears to the total
4 number of such students in all States.

5 “(2) REMAINDER.—Any amounts made avail-
6 able for a fiscal year under subsection 1002(b) that
7 are remaining after the Secretary carries out para-
8 graph (1) shall be made available as follows:

9 “(A)(i) To award funds under section 1202
10 to States selected for such grants, according to
11 the quality, needs, and scope of the State appli-
12 cation under that section.

13 “(ii) In determining the grant amount
14 under clause (i), the Secretary shall ensure that
15 a State’s grant shall include an amount that
16 bears the same relationship to the total funds
17 available under this paragraph for the fiscal
18 year as the number of students ages 5 through
19 17 in the State (as determined by the Secretary
20 on the basis of the most recent satisfactory
21 data) bears to the total number of such stu-
22 dents in all States.

23 “(B) Any amounts remaining after the
24 Secretary awards funds under subparagraph
25 (A) shall be allocated to each State that did not

1 receive a grant under such subparagraph, in an
 2 amount that bears the same relationship to the
 3 total funds available under this subparagraph
 4 as the number of students ages 5 through 17
 5 in the State (as determined by the Secretary on
 6 the basis of the most recent satisfactory data)
 7 bears to the total number of such students in
 8 all States.

9 “(c) STATE DEFINED.—In this section, the term
 10 ‘State’ means each of the 50 States, the District of Colum-
 11 bia, and the Commonwealth of Puerto Rico.

12 **“SEC. 1205. INNOVATIVE ASSESSMENT AND ACCOUNT-**
 13 **ABILITY DEMONSTRATION AUTHORITY.**

14 “(a) INNOVATIVE ASSESSMENT SYSTEM DEFINED.—
 15 The term ‘innovative assessment system’ means a system
 16 of assessments that may include—

17 “(1) competency-based assessments,
 18 instructionally embedded assessments, interim as-
 19 sessments, cumulative year-end assessments, or per-
 20 formance-based assessments that combine into an
 21 annual summative determination for a student,
 22 which may be administered through computer adapt-
 23 ive assessments; and

24 “(2) assessments that validate when students
 25 are ready to demonstrate mastery or proficiency and

1 allow for differentiated student support based on in-
2 dividual learning needs.

3 “(b) DEMONSTRATION AUTHORITY.—

4 “(1) IN GENERAL.—The Secretary may provide
5 a State educational agency, in accordance with para-
6 graph (3), with the authority to establish an innova-
7 tive assessment system.

8 “(2) DEMONSTRATION PERIOD.—Each author-
9 ization of demonstration authority under this section
10 shall be for a period of 3 years.

11 “(3) INITIAL DEMONSTRATION AUTHORITY; EX-
12 PANSION.—

13 “(A) INITIAL PERIOD.—During the initial
14 3-year period of demonstration authority under
15 this section, the Secretary shall provide 5 State
16 educational agencies, subject to meeting the ap-
17 plication requirements in subsection (c), with
18 the authority described in paragraph (1).

19 “(B) EXPANSION OF DEMONSTRATION AU-
20 THORITY.—After the end of the initial dem-
21 onstration period described in subparagraph
22 (A), the Secretary may provide additional State
23 educational agencies with demonstration au-
24 thority described in paragraph (1), if the Sec-

1 retary determines that overall the innovative as-
2 sessment systems have—

3 “(i) demonstrated progress for all stu-
4 dents, including at-risk students, through
5 such measures as—

6 “(I) increasing student achieve-
7 ment and improving academic out-
8 comes;

9 “(II) increasing graduation rates
10 for high schools;

11 “(III) increasing retention rates
12 of students in school; or

13 “(IV) decreasing rates of remedi-
14 ation for students;

15 “(ii) been developed in accordance
16 with the requirements of subsection (c), in-
17 cluding substantial evidence that such sys-
18 tem meets such requirements; and

19 “(iii) demonstrated that the same sys-
20 tem of assessments was used to measure
21 the achievement of all students that par-
22 ticipated in the demonstration authority,
23 and at least 95 percent of such students
24 overall and in each of the categories of stu-
25 dents, as defined in section 1111(b)(3)(A),

1 were assessed under the innovative assess-
2 ment system.

3 “(c) APPLICATION.—A State educational agency that
4 desires to participate in the program of demonstration au-
5 thority under this section shall submit an application to
6 the Secretary at such time, in such manner, and con-
7 taining such information as the Secretary may reasonably
8 require. Such application shall include a description of the
9 innovative assessment system. In addition, the application
10 shall include the following:

11 “(1) A demonstration that the innovative as-
12 sessment system will—

13 “(A) meet all the requirements of section
14 1111(b)(2)(B), except the requirements of
15 clauses (i) and (v) of such section;

16 “(B) be aligned to the standards under
17 section 1111(b)(1) and address the depth and
18 breadth of the challenging State academic
19 standards under such section;

20 “(C) express student results or student
21 competencies in terms consistent with the State
22 aligned academic achievement standards;

23 “(D) be able to generate comparable, valid,
24 and reliable results for all students and for each
25 category of students described in section

1 1111(b)(2)(B)(xi), compared to the results for
2 such students on the State assessments under
3 section 1111(b)(2);

4 “(E) be developed in collaboration with
5 stakeholders representing the interests of chil-
6 dren with disabilities, English learners, and
7 other vulnerable children, educators, including
8 teachers, principals, and other school leaders,
9 local educational agencies, and civil rights orga-
10 nizations in the State;

11 “(F) be accessible to all students, such as
12 by incorporating the principles of universal de-
13 sign for learning;

14 “(G) provide educators, students, and par-
15 ents with timely data, disaggregated by each
16 category of students described in section
17 1111(b)(2)(B)(xi), to inform and improve in-
18 structional practice and student supports;

19 “(H) be able to identify which students are
20 not making progress toward the State’s aca-
21 demic achievement standards so that educators
22 can provide instructional support and targeted
23 intervention to all students to ensure every stu-
24 dent is making progress;

1 “(I) measure the annual progress of not
2 less than 95 percent of all students and stu-
3 dents in each of the categories of students, as
4 defined in section 1111(b)(3)(A), who are en-
5 rolled in each school that is participating in the
6 innovative assessment system and are required
7 to take assessments;

8 “(J) generate an annual, summative
9 achievement determination based on annual
10 data for each individual student based on the
11 challenging State academic standards under
12 section 1111(b)(1) and be able to validly and
13 reliably aggregate data from the innovative as-
14 sessment system for purposes of accountability,
15 consistent with the requirements of section
16 1111(b)(3), and reporting, consistent with the
17 requirements of section 1111(d); and

18 “(K) continue use of the high-quality
19 statewide academic assessments required under
20 section 1111(b)(2) if such assessments will be
21 used for accountability purposes for the dura-
22 tion of the demonstration.

23 “(2) A description of how the State educational
24 agency will—

1 “(A) identify the distinct purposes for each
2 assessment that is part of the innovative assess-
3 ment system;

4 “(B) provide support and training to local
5 educational agency and school staff to imple-
6 ment the innovative assessment system de-
7 scribed in this subsection;

8 “(C) inform parents of students in partici-
9 pating local educational agencies about the in-
10 novative assessment system at the beginning of
11 each school year during which the innovative
12 assessment system will be implemented;

13 “(D) engage and support teachers in devel-
14 oping and scoring assessments that are part of
15 the innovative assessment system, including
16 through the use of high-quality professional de-
17 velopment, standardized and calibrated scoring
18 rubrics, and other strategies, consistent with
19 relevant nationally recognized professional and
20 technical standards, to ensure inter-rater reli-
21 ability and comparability;

22 “(E) acclimate students to the innovative
23 assessment system;

24 “(F) ensure that students with the most
25 significant cognitive disabilities may be assessed

1 with alternate assessments consistent with sec-
2 tion 1111(b)(2)(D);

3 “(G) if the State is proposing to admin-
4 ister the innovative assessment system initially
5 in a subset of local educational agencies, scale
6 up the innovative assessment system to admin-
7 ister such system statewide or with additional
8 local educational agencies in the initial dem-
9 onstration and 2-year renewal period, if applica-
10 ble, including the timeline that explains the
11 process for scaling to statewide implementation
12 by either the end of the initial demonstration
13 authority or the 2-year renewal period;

14 “(H) gather data, solicit regular feedback
15 from educators and parents, and assess the re-
16 sults of each year of the program of demonstra-
17 tion authority under this section, and respond
18 by making needed changes to the innovative as-
19 sessment system; and

20 “(I) report data from the innovative as-
21 sessment system annually to the Secretary, in-
22 cluding—

23 “(i) demographics of participating
24 local educational agencies, if such system
25 is not statewide, and additional local edu-

1 cational agencies if added to the system
2 during the course of the initial demonstra-
3 tion or 2-year renewal period;

4 “(ii) performance of all participating
5 students and for each category of students,
6 as defined in section 1111(b)(3)(A), on the
7 innovative assessment, consistent with the
8 requirements in section 1111(d); and

9 “(iii) feedback from teachers, prin-
10 cipals, other school leaders, and parents
11 about their satisfaction with the innovative
12 assessment system.

13 “(3) A description of the State educational
14 agency’s plan to—

15 “(A) ensure that all students and each of
16 the categories of students, as defined in section
17 1111(b)(3)(A)—

18 “(i) are held to the same high stand-
19 ard as other students in the State; and

20 “(ii) receive the instructional support
21 needed to meet challenging State academic
22 standards;

23 “(B) ensure that each local educational
24 agency has the technological infrastructure to

1 implement the innovative assessment system;
2 and

3 “(C) hold all participating schools in the
4 local educational agencies participating in the
5 program of demonstration authority account-
6 able for meeting the State’s expectations for
7 student achievement.

8 “(4) If the innovative assessment system will
9 initially be administered in a subset of local edu-
10 cational agencies—

11 “(A) a description of the local educational
12 agencies within the State educational agency
13 that will participate, including what criteria the
14 State has for approving any additional local
15 educational agencies to participate during the
16 demonstration period;

17 “(B) assurances from such local edu-
18 cational agencies that such agencies will comply
19 with the requirements of this subsection; and

20 “(C) a demonstration that the partici-
21 pating local educational agencies, as a group,
22 will be demographically similar to the State as
23 a whole.

24 “(d) PEER REVIEW.—The Secretary shall—

1 “(1) implement a peer review process, which
2 shall include a review team comprised of practi-
3 tioners and experts who are knowledgeable about the
4 assessment innovation being proposed for all stu-
5 dents, including English learners and children with
6 disabilities, to inform—

7 “(A) the awarding, renewal, and expansion
8 of the demonstration authority under this sec-
9 tion; and

10 “(B) determinations about whether the in-
11 novative assessment system—

12 “(i) is comparable, valid, reliable, of
13 high technical quality, and consistent with
14 relevant, nationally recognized professional
15 and technical standards; and

16 “(ii) provides an unbiased, rational,
17 and consistent determination of progress
18 toward annual goals for all students and
19 schools; and

20 “(2) make publicly available the applications
21 submitted under subsection (c) and the peer review
22 comments and recommendations regarding such ap-
23 plications.

24 “(e) RENEWAL.—The Secretary may renew an au-
25 thorization of demonstration authority under this sub-

1 section for an additional 2 years if the State educational
2 agency demonstrates with evidence that the State edu-
3 cational agency's innovative assessment system is con-
4 tinuing to meet the requirements of subsection (c).

5 “(f) USE OF INNOVATIVE ASSESSMENT SYSTEM.—A
6 State may, during the initial 3-year demonstration period
7 or 2-year renewal period, include results from the innova-
8 tive assessment systems developed under this authority in
9 accountability determinations for each student in the par-
10 ticipating local educational agencies instead of, or in addi-
11 tion to, those from the assessment system under section
12 1111(b)(2), provided the State demonstrates that the
13 State has met the requirements in subsection (c). The
14 State shall continue to meet all other requirements of sec-
15 tion 1111(b)(3).

16 “(g) AUTHORITY WITHDRAWN.—The Secretary shall
17 withdraw the authorization for demonstration authority
18 provided to a State educational agency under this section
19 and any participating local educational agency or the
20 State as a whole shall return to the statewide assessment
21 system under section 1111(b)(2) if, at any point after the
22 3-year demonstration period described in subsection (b)(2)
23 or 2-year renewal period described in subsection (e), the
24 State educational agency cannot present to the Secretary

1 a body of substantial evidence that the innovative assess-
2 ment system developed under this section—

3 “(1) meets requirements of subsection (c);

4 “(2) includes all students attending schools par-
5 ticipating in the demonstration authority, including
6 each of the categories of students, as defined in sec-
7 tion 1111(b)(3)(A), in the innovative assessment
8 system demonstration;

9 “(3) provides an unbiased, rational, and con-
10 sistent determination of progress toward annual
11 goals for schools, which are comparable to deter-
12 minations under section 1111(b)(3)(B)(iii) across
13 the State in which the local educational agencies are
14 located;

15 “(4) presents a high-quality plan to transition
16 to full statewide use of the innovative assessment
17 system by the end of the initial demonstration period
18 and 2-year renewal, if the innovative assessment sys-
19 tem will initially be administered in a subset of local
20 educational agencies; and

21 “(5) is equivalent to the statewide assessments
22 under section 1111(b)(2) in content coverage, dif-
23 ficulty, and quality.

24 “(h) TRANSITION.—

1 “(1) IN GENERAL.—If, after the initial dem-
2 onstration and renewal period, the State educational
3 agency has met all the requirements of this section,
4 such entity shall be permitted to operate the innova-
5 tive assessment system approved under the program
6 of demonstration authority under this section for the
7 purposes of paragraphs (2) and (3) of section
8 1111(b).

9 “(2) WAIVER AUTHORITY.—If, after the initial
10 demonstration and renewal period, the State has
11 met all of the requirements of this section, except
12 transition to full statewide use for States that will
13 initially administer an innovative assessment system
14 in a subset of local educational agencies, and con-
15 tinues to comply with the other requirements of this
16 section, and demonstrates a high-quality plan for
17 transition to statewide use in a reasonable period of
18 time, the State may request, and the Secretary shall
19 review such request, a delay of the withdrawal of au-
20 thority under subsection (g) for the purpose of pro-
21 viding the State time necessary to implement the in-
22 novative assessment system statewide.

23 “(i) AVAILABLE FUNDS.—A State may use funds
24 available under section 1201 to carry out this section.

1 “(j) **RULE OF CONSTRUCTION.**—A consortium of
2 States may apply to participate in the program of dem-
3 onstration authority under this section and the Secretary
4 may provide each State member of such consortium with
5 such authority if each such State member meets all of the
6 requirements of this section.”.

7 **SEC. 1013. EDUCATION OF MIGRATORY CHILDREN.**

8 Part C of title I (20 U.S.C. 6391 et seq.) is amend-
9 ed—

10 (1) in section 1301—

11 (A) in paragraph (2), by striking “State
12 academic content and student academic achieve-
13 ment standards” and inserting “challenging
14 State academic standards”;

15 (B) in paragraph (4), by striking “State
16 academic content and student academic achieve-
17 ment standards” and inserting “State academic
18 standards”; and

19 (C) in paragraph (5), by inserting “with-
20 out the need for postsecondary remediation”
21 after “employment”;

22 (2) in section 1303—

23 (A) by striking subsection (a) and insert-
24 ing the following:

25 “(a) **STATE ALLOCATIONS.**—

1 “(1) BASE AMOUNT.—

2 “(A) IN GENERAL.—Except as provided in
3 subsection (b) and subparagraph (B), each
4 State (other than the Commonwealth of Puerto
5 Rico) is entitled to receive under this part, for
6 fiscal year 2003 and succeeding fiscal years, an
7 amount equal to—

8 “(i) the amount that such State re-
9 ceived under this part for fiscal year 2002;
10 plus

11 “(ii) the amount allocated to the State
12 under paragraph (2).

13 “(B) NONPARTICIPATING STATES.—In the
14 case of a State (other than the Commonwealth
15 of Puerto Rico) that did not receive any funds
16 for fiscal year 2002 under this part, the State
17 shall receive, for fiscal year 2003 and suc-
18 ceeding fiscal years, an amount equal to—

19 “(i) the amount that such State would
20 have received under this part for fiscal
21 year 2002 if its application under section
22 1304 for the year had been approved; plus

23 “(ii) the amount allocated to the State
24 under paragraph (2).

1 “(2) ALLOCATION OF ADDITIONAL AMOUNT.—
2 For fiscal year 2003 and succeeding fiscal years, the
3 amount (if any) by which the funds appropriated to
4 carry out this part for the year exceed such funds
5 for fiscal year 2002 shall be allocated to a State
6 (other than the Commonwealth of Puerto Rico) so
7 that the State receives an amount equal to—

8 “(A) the sum of—

9 “(i) the number of identified eligible
10 migratory children, aged 3 through 21, re-
11 siding in the State during the previous
12 year; and

13 “(ii) the number of identified eligible
14 migratory children, aged 3 through 21,
15 who received services under this part in
16 summer or intercession programs provided
17 by the State during such year; multiplied
18 by

19 “(B) 40 percent of the average per-pupil
20 expenditure in the State, except that the
21 amount determined under this subparagraph
22 may not be less than 32 percent, or more than
23 48 percent, of the average per-pupil expenditure
24 in the United States.”;

25 (B) in subsection (c)—

1 (i) in paragraph (1)—

2 (I) by striking “(A) If, after”

3 and inserting the following:

4 “(A) IN GENERAL.—If, after”; and

5 (II) in subparagraph (B)—

6 (aa) by striking “If addi-

7 tional” and inserting “RE-

8 ALLOCATION.—If additional”;

9 and

10 (bb) by moving the margins

11 of such subparagraph 2 ems to

12 the right; and

13 (ii) in paragraph (2)—

14 (I) by striking “(A) The Sec-

15 retary” and inserting the following:

16 “(A) FURTHER REDUCTIONS.—The Sec-

17 retary”; and

18 (II) in subparagraph (B)—

19 (aa) by striking “The Sec-

20 retary” and inserting “RE-

21 ALLOCATION.—The Secretary”;

22 and

23 (bb) by moving the margins

24 of such subparagraph 2 ems to

25 the right; and

- 1 (C) in subsection (d)(3)(B), by striking
2 “welfare or educational attainment” and insert-
3 ing “academic achievement”; and
- 4 (D) in subsection (e)—
- 5 (i) in the matter preceding paragraph
6 (1), by striking “estimated” and inserting
7 “identified”; and
- 8 (ii) by striking “the Secretary shall”
9 and all that follows through the period at
10 the end and inserting “the Secretary shall
11 use such information as the Secretary
12 finds most accurately reflects the actual
13 number of migratory children.”;
- 14 (3) in section 1304—
- 15 (A) in subsection (b)—
- 16 (i) in paragraph (1)—
- 17 (I) in the matter preceding sub-
18 paragraph (A)—
- 19 (aa) by striking “special
20 educational needs” and inserting
21 “unique educational needs”; and
- 22 (bb) by inserting “and out
23 of school migratory children”
24 after “including preschool migra-
25 tory children”;

1 (II) in subparagraph (B), by
2 striking “part A or B of title III” and
3 inserting “part A of title III”; and

4 (III) by striking subparagraph
5 (D) and inserting the following:

6 “(D) measurable program objectives and
7 outcomes;”;

8 (ii) in paragraph (2), by striking
9 “challenging State academic content stand-
10 ards and challenging State student aca-
11 demic achievement standards” and insert-
12 ing “challenging State academic stand-
13 ards”;

14 (iii) in paragraph (3), by striking “,
15 consistent with procedures the Secretary
16 may require,”;

17 (iv) in paragraph (5), by inserting
18 “and” after the semicolon;

19 (v) by striking paragraph (6); and

20 (vi) by redesignating paragraph (7) as
21 paragraph (6);

22 (B) in subsection (c)—

23 (i) in the matter preceding paragraph
24 (1), by striking “, satisfactory to the Sec-
25 retary,”;

1 (ii) in paragraph (2), by striking “in
2 a manner consistent with the objectives of
3 section 1114, subsections (b) and (d) of
4 section 1115, subsections (b) and (c) of
5 section 1120A, and part I” and inserting
6 “in a manner consistent with the objectives
7 of section 1113(c), paragraphs (3) and (4)
8 of section 1113(d), subsections (b) and (c)
9 of section 1117, and part E”;

10 (iii) in paragraph (3)—

11 (I) in the matter before subpara-
12 graph (A), by striking “parent advi-
13 sory councils” and inserting “parents
14 of migratory children, including par-
15 ent advisory councils”; and

16 (II) by striking “section 1118”
17 and inserting “section 1115”;

18 (iv) in paragraph (4), by inserting
19 “and out of school migratory children”
20 after “addressing the unmet educational
21 needs of preschool migratory children”;

22 (v) in paragraph (6)—

23 (I) by striking “to the extent fea-
24 sible,”;

1 (II) by striking subparagraph (C)
2 and inserting the following:

3 “(C) evidence-based family literacy pro-
4 grams;”; and

5 (III) in subparagraph (E), by in-
6 serting “, without the need for post-
7 secondary remediation” after “em-
8 ployment”; and

9 (vi) in paragraph (7), by striking
10 “paragraphs (1)(A) and (2)(B)(i) of sec-
11 tion 1303(a), through such procedures as
12 the Secretary may require” and inserting
13 “section 1303(a)(2)(A)”;

14 (C) by striking subsection (d) and insert-
15 ing the following:

16 “(d) PRIORITY FOR SERVICES.—In providing services
17 with funds received under this part, each recipient of such
18 funds shall give priority to migratory children who have
19 made a qualifying move within the previous 1-year period
20 and who—

21 “(1) are failing, or most at risk of failing, to
22 meet the challenging State academic standards; or

23 “(2) have dropped out of school.”; and

1 (D) in subsection (e)(3), by striking “sec-
2 ondary school students” and inserting “stu-
3 dents”;

4 (4) in section 1305(a), by inserting “, to the ex-
5 tent practicable,” after “shall”;

6 (5) in section 1306—

7 (A) in subsection (a)(1)—

8 (i) by striking “special” both places
9 the term appears and inserting “unique”;

10 (ii) in subparagraph (C), by striking
11 “challenging State academic content stand-
12 ards and challenging State student aca-
13 demic achievement standards” and insert-
14 ing “challenging State academic stand-
15 ards”; and

16 (iii) in subparagraph (F), by striking
17 “or B”; and

18 (B) in subsection (b)(4)—

19 (i) by striking “special” and inserting
20 “unique”; and

21 (ii) by striking “section 1114” each
22 place the term appears and inserting “sec-
23 tion 1113(c)”;

24 (6) in section 1307—

1 (A) in the matter preceding paragraph (1),
2 by striking “nonprofit”; and

3 (B) in paragraph (3), by striking “welfare
4 or educational attainment” and inserting “edu-
5 cational achievement”;

6 (7) in section 1308—

7 (A) in subsection (a)(1), by inserting
8 “through” after “including”; and

9 (B) in subsection (b)—

10 (i) in paragraph (1), by striking “de-
11 veloping effective methods for”;

12 (ii) in paragraph (2)—

13 (I) in subparagraph (A)—

14 (aa) in the matter preceding
15 clause (i), in the first sentence—

16 (AA) by striking “en-
17 sure the linkage of migrant
18 student” and inserting
19 “maintain a migratory”;

20 (BB) by striking “sys-
21 tems” and inserting “sys-
22 tem”;

23 (CC) by inserting
24 “within and” before “among
25 the States”; and

1 (DD) by striking “all
2 migratory students” and in-
3 sserting “all migratory chil-
4 dren eligible under this
5 part”;

6 (bb) in the matter preceding
7 clause (i), by striking “The Sec-
8 retary shall ensure” and all that
9 follows through “maintain.”; and

10 (cc) in clause (ii), by strik-
11 ing “required”;

12 (II) by redesignating subpara-
13 graph (B) as subparagraph (C);

14 (III) by inserting after subpara-
15 graph (A) the following:

16 “(B) CONSULTATION.—The Secretary
17 shall maintain ongoing consultation with the
18 States, local educational agencies, and other mi-
19 gratory student service providers on—

20 “(i) the effectiveness of the system de-
21 scribed in subparagraph (A); and

22 “(ii) the ongoing improvement of such
23 system.”; and

24 (IV) in subparagraph (C), as re-
25 designated by subclause (II)—

1 (aa) by striking “the pro-
2 posed data elements” and insert-
3 ing “any new proposed data ele-
4 ments”; and

5 (bb) by striking “Such pub-
6 lication shall occur not later than
7 120 days after the date of enact-
8 ment of the No Child Left Be-
9 hind Act of 2001.”; and

10 (iii) by striking paragraph (4);

11 (8) in section 1309—

12 (A) in paragraph (1)(B), by striking “non-
13 profit”; and

14 (B) by striking paragraph (2) and insert-
15 ing the following:

16 “(2) MIGRATORY AGRICULTURAL WORKER.—

17 The term ‘migratory agricultural worker’ means an
18 individual who made a qualifying move in the pre-
19 ceding 36 months and, after doing so, engaged in
20 new temporary or seasonal employment or personal
21 subsistence in agriculture, which may be dairy work
22 or the initial processing of raw agricultural products.
23 If an individual did not engage in such new employ-
24 ment soon after a qualifying move, such individual
25 may be considered a migratory agricultural worker if

1 the individual actively sought new employment and
2 has a recent history of moves for agricultural em-
3 ployment.

4 “(3) MIGRATORY CHILD.—The term ‘migratory
5 child’ means a child or youth who made a qualifying
6 move in the preceding 36 months—

7 “(A) as a migratory agricultural worker or
8 a migratory fisher; or

9 “(B) with, or to join, a parent or spouse
10 who is a migratory agricultural worker or a mi-
11 gratory fisher.

12 “(4) MIGRATORY FISHER.—The term ‘migra-
13 tory fisher’ means an individual who made a quali-
14 fying move in the preceding 36 months and, after
15 doing so, engaged in new temporary or seasonal em-
16 ployment or personal subsistence in fishing. If the
17 individual did not engage in such new employment
18 soon after the move, the individual may be consid-
19 ered a migratory fisher if the individual actively
20 sought new employment and has a recent history of
21 moves for fishing work.

22 “(5) QUALIFYING MOVE.—The term ‘qualifying
23 move’ means a move due to economic necessity—

24 “(A) from one residence to another resi-
25 dence; and

1 “(B) from one school district to another
2 school district, except—

3 “(i) in the case of a State that is com-
4 prised of a single school district, wherein a
5 qualifying move is from one administrative
6 area to another within such district;

7 “(ii) in the case of a school district of
8 more than 15,000 square miles, wherein a
9 qualifying move is a distance of 20 miles
10 or more to a temporary residence to en-
11 gage in a fishing activity; or

12 “(iii) in a case in which another ex-
13 ception applies, as defined by the Sec-
14 retary.”.

15 **SEC. 1014. PREVENTION AND INTERVENTION PROGRAMS**
16 **FOR CHILDREN AND YOUTH WHO ARE NE-**
17 **GLECTED, DELINQUENT, OR AT-RISK.**

18 Part D of title I (20 U.S.C. 6421 et seq.) is amend-
19 ed—

20 (1) in section 1401(a)—

21 (A) in paragraph (1)—

22 (i) by inserting “, tribal,” after
23 “youth in local”; and

24 (ii) by striking “challenging State aca-
25 demic content standards and challenging

1 State student academic achievement stand-
2 ards” and inserting “challenging State
3 academic standards”; and

4 (B) in paragraph (3), by inserting “and
5 the involvement of their families and commu-
6 nities” after “to ensure their continued edu-
7 cation”;

8 (2) in section 1412(b), by striking paragraph
9 (2) and inserting the following:

10 “(2) MINIMUM PERCENTAGE.—The percentage
11 in paragraph (1)(A) shall not be less than 85 per-
12 cent.”;

13 (3) in section 1414—

14 (A) in subsection (a)—

15 (i) in paragraph (1)(B), by striking
16 “from correctional facilities to locally oper-
17 ated programs” and inserting “between
18 correctional facilities and locally operated
19 programs”; and

20 (ii) in paragraph (2)—

21 (I) in subparagraph (A)—

22 (aa) by striking “the pro-
23 gram goals, objectives, and per-
24 formance measures established
25 by the State” and inserting “the

1 program objectives and outcomes
2 established by the State”; and
3 (bb) by striking “vocational”
4 and inserting “career”;
5 (II) in subparagraph (B), by
6 striking “and” after the semicolon;
7 and
8 (III) in subparagraph (C)—
9 (aa) in clause (i), by insert-
10 ing “and” after the semicolon;
11 (bb) by striking clause (ii)
12 and redesignating clause (iii) as
13 clause (ii);
14 (cc) by striking clause (iv);
15 and
16 (dd) by adding at the end
17 the following:
18 “(D) provide assurances that the State
19 educational agency has established—
20 “(i) procedures to ensure the prompt
21 re-enrollment of each student who has been
22 placed in the juvenile justice system in sec-
23 ondary school or in a re-entry program
24 that best meets the needs of the student,

1 including the transfer of credits that such
2 students earn during placement; and

3 “(ii) opportunities for such students
4 to participate in higher education or career
5 pathways.”; and

6 (B) in subsection (c)—

7 (i) in paragraph (1)—

8 (I) by inserting “and respond to”
9 after “to assess”; and

10 (II) by inserting “and to the ex-
11 tent practicable, provide for an assess-
12 ment upon entry into a correctional
13 facility” after “to be served under this
14 subpart”;

15 (ii) in paragraph (6)—

16 (I) by striking “carry out the
17 evaluation requirements of section
18 9601 and how” and inserting “use”;

19 (II) by inserting “under section
20 9601” after “recent evaluation”; and

21 (III) by striking “will be used”;

22 (iii) in paragraph (8), by striking “vo-
23 cational” and inserting “career”;

24 (iv) in paragraph (9)—

1 (I) by inserting “and following”
2 after “youth prior to”; and

3 (II) by inserting “and, to the ex-
4 tent practicable, to ensure that transi-
5 tion plans are in place” after “the
6 local educational agency or alternative
7 education program”;

8 (v) in paragraph (11), by striking
9 “transition of children and youth from
10 such facility or institution to” and insert-
11 ing “transition of such children and youth
12 between such facility or institution and”;

13 (vi) in paragraph (16), by inserting
14 “and obtain a high school diploma” after
15 “to encourage the children and youth to
16 reenter school”; and

17 (vii) in paragraph (17), by inserting
18 “certified or licensed” after “provides an
19 assurance that”;

20 (4) in section 1415—

21 (A) in subsection (a)—

22 (i) in paragraph (1)(B)—

23 (I) by inserting “, without the
24 need for remediation,” after “transi-
25 tion to”; and

1 (II) by striking “vocational or
2 technical training” and inserting “ca-
3 reer and technical education”; and

4 (ii) in paragraph (2)—

5 (I) by striking subparagraph (A),
6 and inserting:

7 “(A) may include—

8 “(i) the acquisition of equipment; and

9 “(ii) pay for success initiatives that
10 produce a measurable, clearly defined out-
11 come that results in social benefit and di-
12 rect cost savings to the local, State, or
13 Federal Government;”;

14 (II) in subparagraph (B)—

15 (aa) in clause (i), by striking
16 “content standards and student
17 academic achievement”; and

18 (bb) in clause (iii)—

19 (AA) by striking “chal-
20 lenging State academic
21 achievement standards” and
22 inserting “challenging State
23 academic standards”; and

24 (BB) by inserting
25 “and” after the semicolon;

1 (III) in subparagraph (C)—

2 (aa) by striking “section
3 1120A” and inserting “section
4 1117”; and

5 (bb) by striking “; and” and
6 inserting a period; and

7 (IV) by striking subparagraph
8 (D); and

9 (B) in subsection (b), by striking “section
10 1120A” and inserting “section 1117”;

11 (5) in section 1416—

12 (A) in paragraph (3)—

13 (i) by striking “challenging State aca-
14 demic content standards and student aca-
15 demic achievement standards” and insert-
16 ing “challenging State academic stand-
17 ards”; and

18 (ii) by striking “complete secondary
19 school, attain a secondary diploma” and
20 inserting “attain a high school diploma”;

21 (B) in paragraph (4)—

22 (i) by striking “pupil” and inserting
23 “specialized instructional support”; and

24 (ii) by inserting “and, to the extent
25 practicable, the development and imple-

1 mentation of transition plans” after “chil-
2 dren and youth described in paragraph
3 (1)”;

4 (C) in paragraph (6), by striking “student
5 progress” and inserting “and improve student
6 achievement”;

7 (6) in section 1418(a)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) projects that facilitate the transition of
11 children and youth between State-operated institu-
12 tions, or institutions in the State operated by the
13 Secretary of the Interior, and schools served by local
14 educational agencies or schools operated or funded
15 by the Bureau of Indian Education; or”;

16 (B) in paragraph (2)—

17 (i) by striking “vocational” each place
18 the term appears and inserting “career”;
19 and

20 (ii) in the matter preceding subpara-
21 graph (A)—

22 (I) by striking “secondary” and
23 inserting “high”; and

1 (II) by inserting “, without the
2 need for remediation,” after “re-
3 entry”;

4 (7) in section 1419, by striking “for a fiscal
5 year” and all that follows through “to provide” and
6 inserting “for a fiscal year to provide”;

7 (8) in section 1421—

8 (A) in paragraph (1), by inserting “, with-
9 out the need for remediation,” after “youth”;
10 and

11 (B) in paragraph (3), by inserting “, in-
12 cluding schools operated or funded by the Bu-
13 reau of Indian Education,” after “local
14 schools”;

15 (9) in section 1422(d)—

16 (A) by inserting “, and may include the
17 nonacademic needs,” after “to meet the transi-
18 tional and academic needs”; and

19 (B) by striking “impact on meeting the
20 transitional” and inserting “impact on meeting
21 such transitional”;

22 (10) in section 1423—

23 (A) in paragraph (2)(B), by inserting “,
24 including such facilities operated by the Sec-

1 retary of the Interior and Indian tribes” after
2 “the juvenile justice system”;

3 (B) by striking paragraph (4) and insert-
4 ing the following:

5 “(4) a description of the activities that the local
6 educational agency will carry out to facilitate the
7 successful transition of children and youth in locally
8 operated institutions for neglected and delinquent
9 children and other correctional institutions into
10 schools served by the local educational agency, or as
11 appropriate, into career and technical education and
12 postsecondary education programs;”;

13 (C) in paragraph (8), by inserting “and
14 family members” after “will involve parents”;

15 (D) in paragraph (9), by striking “voca-
16 tional” and inserting “career”;

17 (E) by striking paragraph (11) and insert-
18 ing the following:

19 “(11) as appropriate, a description of how the
20 local educational agency and schools will address the
21 educational needs of children and youth who return
22 from institutions for neglected and delinquent chil-
23 dren and youth or from correctional institutions and
24 attend regular or alternative schools;”; and

1 (F) in paragraph (12), by striking “par-
2 ticipating schools” and inserting “the local edu-
3 cational agency”;

4 (11) in section 1424—

5 (A) in paragraph (2), by striking “, includ-
6 ing” and all that follows through “gang mem-
7 bers”;

8 (B) in paragraph (4)—

9 (i) by striking “vocational” and in-
10 sserting “career”; and

11 (ii) by striking “and” after the semi-
12 colon; and

13 (C) in paragraph (5), by striking the pe-
14 riod at the end and inserting a semicolon; and

15 (D) by inserting the following after para-
16 graph (5):

17 “(6) programs for at-risk Indian children and
18 youth, including such children and youth in correc-
19 tional facilities in the area served by the local edu-
20 cational agency that are operated by the Secretary
21 of the Interior or Indian tribes; and

22 “(7) pay for success initiatives that produce a
23 measurable, clearly defined outcome that results in
24 social benefit and direct cost savings to the local,
25 State, or Federal government.”;

1 (12) in section 1425—

2 (A) in paragraph (4)—

3 (i) by inserting “and obtain a high
4 school diploma” after “reenter school”;
5 and

6 (ii) by striking “or seek a secondary
7 school diploma or its recognized equiva-
8 lent”;

9 (B) in paragraph (6), by striking “high
10 academic achievement standards” and inserting
11 “the challenging State academic standards”;

12 (C) in paragraph (9), by striking “voca-
13 tional” and inserting “career”;

14 (D) in paragraph (10), by striking “and”
15 after the semicolon;

16 (E) in paragraph (11), by striking the pe-
17 riod at the end and inserting a semicolon; and

18 (F) by adding at the end the following:

19 “(12) to the extent practicable, develop an ini-
20 tial educational services and transition plan for each
21 child or youth served under this subpart upon entry
22 into the correctional facility, in partnership with the
23 child’s or youth’s family members and the local edu-
24 cational agency that most recently provided services

1 to the child or youth (if applicable), consistent with
2 section 1414(a)(1); and

3 “(13) consult with the local educational agency
4 for a period jointly determined necessary by the cor-
5 rectional facility and local educational agency upon
6 discharge from that facility, to coordinate edu-
7 cational services so as to minimize disruption to the
8 child’s or youth’s achievement.”;

9 (13) in section 1426(2), by striking “sec-
10 ondary” and inserting “high”;

11 (14) in section 1431(a)—

12 (A) by striking “secondary” each place the
13 term appears and inserting “high”;

14 (B) in paragraph (1), by inserting “and to
15 graduate high school in the standard number of
16 years” after “educational achievement”; and

17 (C) in paragraph (3), by inserting “or
18 school operated or funded by the Bureau of In-
19 dian Education” after “local educational agen-
20 cy”; and

21 (15) in section 1432(2)—

22 (A) by striking “has limited English pro-
23 ficiency” and inserting “is an English learner”;

24 and

1 (B) by striking “or has a high absenteeism
2 rate at school.” and inserting “has a high ab-
3 senteeism rate at school, or has other life condi-
4 tions that make the individual at high risk for
5 dependency or delinquency adjudication.”.

6 **SEC. 1015. GENERAL PROVISIONS.**

7 Title I (20 U.S.C. 6301 et seq.) is amended—

8 (1) by striking parts E, F, G, and H;

9 (2) by redesignating part I as part E;

10 (3) by striking sections 1907 and 1908;

11 (4) by redesignating sections 1901, 1902, 1903,
12 1905, and 1906 as sections 1501, 1502, 1503, 1504,
13 and 1505, respectively;

14 (5) in section 1501, as redesignated by para-
15 graph (4)—

16 (A) in subsection (a), by inserting “, in ac-
17 cordance with subsections (b) through (d),”
18 after “may issue”;

19 (B) in subsection (b)—

20 (i) in paragraph (1), by inserting
21 “principals, other school leaders,” after
22 “teachers,”;

23 (ii) in paragraph (2), by adding at the
24 end the following: “All information from
25 such regional meetings and electronic ex-

1 changes shall be made public in an easily
2 accessible manner to interested parties.”;

3 (iii) in paragraph (3)(A), by striking
4 “standards and assessments” and inserting
5 “standards, assessments, the State ac-
6 countability system under section
7 1111(b)(3), school intervention and sup-
8 port under section 1114, and the require-
9 ment that funds be supplemented and not
10 supplanted under section 1117;”;

11 (iv) by striking paragraph (4) and in-
12 sserting the following:

13 “(4) PROCESS.—Such process shall not be sub-
14 ject to the Federal Advisory Committee Act, but
15 shall, unless otherwise provided as described in sub-
16 section (c), follow the provisions of the Negotiated
17 Rulemaking Act of 1990 (5 U.S.C. 561 et seq.).”;
18 and

19 (v) by striking paragraph (5) and in-
20 sserting the following:

21 “(5) EMERGENCY SITUATION.—In an emer-
22 gency situation in which regulations to carry out this
23 title must be issued within a very limited time to as-
24 sist State educational agencies and local educational
25 agencies with the operation of a program under this

1 title, the Secretary may issue a proposed regulation
2 without following such process but shall—

3 “(A) designate the proposed regulation as
4 an emergency with an explanation of the emer-
5 gency in a notice provided to Congress;

6 “(B) publish the duration of the comment
7 and review period in such notice and in the
8 Federal Register; and

9 “(C) conduct regional meetings to review
10 such proposed regulation before issuing any
11 final regulation.”;

12 (C) by redesignating subsection (c) as sub-
13 section (d);

14 (D) by inserting after subsection (b) the
15 following:

16 “(c) ALTERNATIVE PROCESS IF FAILURE TO REACH
17 CONSENSUS.—If consensus, as defined in section 562 of
18 title 5, United States Code, on any proposed regulation
19 is not reached by the individuals selected under paragraph
20 (3)(B) for the negotiated rulemaking process, or if the
21 Secretary determines that a negotiated rulemaking proc-
22 ess is unnecessary, the Secretary may propose a regulation
23 in the following manner:

24 “(1) NOTICE TO CONGRESS.—Not less than 30
25 days prior to issuing a notice of proposed rule-

1 making in the Federal Register, the Secretary shall
2 provide to the Committee on Health, Education,
3 Labor, and Pensions of the Senate, the Committee
4 on Education and the Workforce of the House of
5 Representatives, and other relevant congressional
6 committees, notice of the Secretary's intent to issue
7 a notice of proposed rulemaking that shall include—

8 “(A) a copy of the regulation to be pro-
9 posed;

10 “(B) a justification of the need to issue a
11 regulation;

12 “(C) the anticipated burden, including the
13 time, cost, and paperwork burden, the regula-
14 tions will have on State educational agencies,
15 local educational agencies, schools, and other
16 entities that may be impacted by the regulation;

17 “(D) the anticipated benefits to State edu-
18 cational agencies, local educational agencies,
19 schools, and other entities that may be im-
20 pacted by the regulation;

21 “(E) any regulations that will be repealed
22 when the new regulations are issued; and

23 “(F) an opportunity to comment on the in-
24 formation in subparagraphs (A) through (E).

1 “(2) COMMENT PERIOD FOR CONGRESS.—The
2 Secretary shall provide Congress with a 15-day pe-
3 riod, beginning after the date on which the Secretary
4 provided the notice of any proposed rulemaking to
5 Congress under paragraph (1), to make comments
6 on the proposed rule. After addressing all comments
7 received from Congress during such period, the Sec-
8 retary may proceed with the rulemaking process
9 under section 553 of title 5, United States Code, as
10 modified by this section.

11 “(3) PUBLIC COMMENT AND REVIEW PERIOD.—
12 The public comment and review period for any pro-
13 posed regulation shall be not less than 90 days un-
14 less an emergency requires a shorter period, in
15 which case the Secretary shall comply with the proc-
16 ess outlined in subsection (b)(5).

17 “(4) ASSESSMENT.—No regulation shall be
18 made final after the comment and review period de-
19 scribed in paragraph (3) until the Secretary has
20 published in the Federal Register—

21 “(A) an assessment of the proposed regula-
22 tion that—

23 “(i) includes a representative sam-
24 pling of local educational agencies based on
25 enrollment, geographic diversity (including

1 suburban, urban, and rural local edu-
2 cational agencies), and other factors im-
3 pacted by the proposed regulation;

4 “(ii) addresses the burden, including
5 the time, cost, and paperwork burden, that
6 the regulation will impose on State edu-
7 cational agencies, local educational agen-
8 cies, schools, and other entities that may
9 be impacted by the regulation;

10 “(iii) addresses the benefits to State
11 educational agencies, local educational
12 agencies, schools, and other entities that
13 may be impacted by the regulation; and

14 “(iv) thoroughly addresses, based on
15 the comments received during the comment
16 and review period under paragraph (3),
17 whether the rule is financially and oper-
18 ationally viable at the local level; and

19 “(B) an explanation of how the entities de-
20 scribed in subparagraph (A)(ii) may cover the
21 cost of the burden assessed under such sub-
22 paragraph.”; and

23 (E) by inserting after subsection (d), as re-
24 designated by subparagraph (C), the following:

1 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion affects the applicability of subchapter II of chapter
3 5, and chapter 7, of title 5, United States Code (commonly
4 known as the ‘Administrative Procedure Act’) or chapter
5 8 of title 5, United States Code (commonly known as the
6 ‘Congressional Review Act’).”;

7 (6) in section 1502(a), as redesignated by para-
8 graph (4),

9 (A) by striking “section 1901” and insert-
10 ing “section 1501”; and

11 (B) by striking “or provides a written”
12 and all that follows through the period at the
13 end and inserting “or where negotiated rule-
14 making is not pursued, shall conform to section
15 1501(c).”;

16 (7) in section 1503, as redesignated by para-
17 graph (4)—

18 (A) in subsection (a)(2), by striking “stu-
19 dent academic achievement” and inserting
20 “academic”; and

21 (B) in subsection (b)(2)—

22 (i) in subparagraph (C), by striking “,
23 including vocational educators”;

24 (ii) in subparagraph (F), by striking
25 “and” after the semicolon; and

1 (iii) by striking subparagraph (G) and
2 inserting the following:

3 “(G) specialized instructional support per-
4 sonnel;

5 “(H) representatives of charter schools, as
6 appropriate; and

7 “(I) paraprofessionals.”.

8 **SEC. 1016. REPORT ON EDUCATIONAL STABILITY OF CHIL-**
9 **DREN IN FOSTER CARE.**

10 (a) IN GENERAL.—Not later than 2 years after the
11 date of the enactment of this Act, the Secretary of Edu-
12 cation and the Secretary of Health and Human Services
13 shall submit to the appropriate committees of Congress
14 a report that—

15 (1) describes any barriers to coordination be-
16 tween local educational agencies and child welfare
17 agencies, including in Federal law or regulation,
18 such as the Fostering Connections to Success and
19 Increasing Adoptions Act of 2008 (Public Law 110–
20 351; 122 Stat. 3949);

21 (2) describes the benefits and challenges of
22 keeping a foster care child in the school of origin
23 when such child moves to a new school attendance
24 area as a result of being placed in foster care,

1 changing foster care placements, or leaving foster
2 care, including—

3 (A) the academic impact of increased sta-
4 bility as a result of such child remaining in the
5 school of origin;

6 (B) challenges for local educational agen-
7 cies and child welfare agencies as a result of
8 such child remaining in the school of origin, in-
9 cluding challenges associated with transpor-
10 tation;

11 (C) estimates of transportation costs if
12 such child stays in the school of origin; and

13 (D) an analysis of the most appropriate
14 entity to pay transportation costs for a foster
15 care child who is changing or leaving place-
16 ments and remaining in the school of origin;

17 (3) examines barriers to credit transfer, includ-
18 ing awarding partial credit for coursework, for a
19 child in foster care who is changing schools;

20 (4) examines the impact on local educational
21 agencies of a local educational agency designating an
22 individual as a point of contact for a child welfare
23 agency, including—

24 (A) the entity most suited to having the re-
25 sponsibility for outreach on behalf of the edu-

1 cation of a child in foster care enrolled in a
2 school; and

3 (B) the benefits and limitations of designating the local educational agency liaison
4 under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C.
5 11432(g)(1)(J)(ii)) as the same point of contact
6 at the local educational agency for children in
7 foster care;
8

9 (5) describes the impact of removing children
10 who are awaiting foster care placement from coverage under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et
11 seq.); and
12

13 (6) examines the extent to which the child welfare system takes into account a child's educational
14 stability when determining such child's foster care
15 placement.
16

17 (b) DEFINITIONS.—For the purposes of this section:

18 (1) CHILD IN FOSTER CARE.—The term “child in foster care” means a child whose care and placement is the responsibility of the agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.), without regard to whether foster care main-

1 tenance payments are made under section 472 of the
2 Social Security Act (42 U.S.C. 672) on behalf of the
3 child.

4 (2) SCHOOL OF ORIGIN.—The term “school of
5 origin” means, with respect to a child in foster care,
6 any of the following:

7 (A) The public school in which the child
8 was enrolled prior to entry into foster care.

9 (B) The public school in which the child is
10 enrolled when a change in foster care placement
11 occurs.

12 (C) The public school the child attended
13 when last permanently housed, as such term is
14 used in section 722(g)(3)(G) of the McKinney-
15 Vento Homeless Assistance Act (42 U.S.C.
16 11432(g)(3)(G)), if such child was eligible for
17 assistance under such Act before the child be-
18 came a child in foster care.

19 **SEC. 1017. REPORT ON SUBGROUP SAMPLE SIZE.**

20 (a) REPORT.—Not later than 90 days after the date
21 of enactment of this Act, the Director of the Institute of
22 Education Sciences shall publish a report on best practices
23 for determining valid, reliable, and statistically significant
24 minimum numbers of students for each of the categories
25 of students, as defined in section 1111(b)(3)(A) of the El-

1 elementary and Secondary Education Act of 1965 (20
2 U.S.C. 6311(b)(3)(A)) (as amended by this Act), for the
3 purposes of inclusion as categories of students in an ac-
4 countability system described in section 1111(b)(3) of the
5 Elementary and Secondary Education Act of 1965 (20
6 U.S.C. 6311(b)(3)) (as amended by this Act) and how
7 such minimum number that is determined will not reveal
8 personally identifiable information about students.

9 (b) PUBLIC DISSEMINATION.—The Director of the
10 Institute of Education Sciences shall work with the De-
11 partment of Education’s existing technical assistance pro-
12 viders and dissemination networks to ensure that the re-
13 port described under subsection (a) is widely dissemi-
14 nated—

15 (1) to the public, State educational agencies,
16 local educational agencies, and schools; and

17 (2) through electronic transfer and other
18 means, such as posting the report on the website of
19 the Institute of Education Sciences or in another
20 relevant place.

21 **TITLE II—HIGH-QUALITY TEACH-**
22 **ERS, PRINCIPALS, AND**
23 **OTHER SCHOOL LEADERS**

24 **SEC. 2001. TRANSFER OF CERTAIN PROVISIONS.**

25 The Act (20 U.S.C. 6301 et seq.) is amended—

1 (1) by redesignating subpart 5 of part C of title
2 II (20 U.S.C. 6731 et seq.) as subpart 3 of part F
3 of title IX, as redesignated by section 9106(1), and
4 moving that subpart to the end of part F of title IX;

5 (2) by redesignating sections 2361 through
6 2368 as sections 9541 through 9548, respectively;

7 (3) in section 9546(b), as redesignated by para-
8 graph (2), by striking the matter following para-
9 graph (2) and inserting the following:

10 “(3) A State law that makes a limitation of li-
11 ability inapplicable if the civil action was brought by
12 an officer of a State or local government pursuant
13 to State or local law.”;

14 (4) by redesignating subpart 4 of part D of title
15 II as subpart 4 of part F of title IX, as redesignated
16 by section 9105(1), and moving that subpart to fol-
17 low subpart 3 of part F of title IX, as redesignated
18 and moved by paragraph (1);

19 (5) by redesignating section 2441 as section
20 9551; and

21 (6) by striking the subpart heading of subpart
22 4 of part F of title IX, as redesignated by paragraph
23 (5), and inserting the following:

1 **“Subpart 4—Internet Safety”.**

2 **SEC. 2002. FUND FOR THE IMPROVEMENT OF TEACHING**
3 **AND LEARNING.**

4 The Act (20 U.S.C. 6301 et seq.) is amended by
5 striking title II (as amended by section 2001) and insert-
6 ing the following:

7 **“TITLE II—PREPARING, TRAIN-**
8 **ING, AND RECRUITING HIGH-**
9 **QUALITY TEACHERS, PRIN-**
10 **CIPALS, AND OTHER SCHOOL**
11 **LEADERS**

12 **“SEC. 2001. PURPOSE.**

13 “The purpose of this title is to improve student aca-
14 demic achievement by—

15 “(1) increasing the ability of local educational
16 agencies, schools, teachers, principals, and other
17 school leaders to provide a well-rounded and com-
18 plete education for all students;

19 “(2) improving the quality and effectiveness of
20 teachers, principals, and other school leaders;

21 “(3) increasing the number of teachers, prin-
22 cipals, and other school leaders who are effective in
23 improving student academic achievement in schools;
24 and

25 “(4) ensuring that low-income and minority
26 students are served by effective teachers, principals,

1 and other school leaders and have access to a high-
2 quality instructional program.

3 **“SEC. 2002. DEFINITIONS.**

4 “In this title:

5 “(1) SCHOOL LEADER RESIDENCY PROGRAM.—

6 The term ‘school leader residency program’ means a
7 school-based principal, school leader, or principal
8 and school leader preparation program in which a
9 prospective principal or school leader—

10 “(A) for 1 academic year, engages in sus-
11 tained and rigorous clinical learning with sub-
12 stantial leadership responsibilities and an op-
13 portunity to practice and be evaluated in an au-
14 thentic school setting; and

15 “(B) during that academic year—

16 “(i) participates in research-based
17 coursework that is integrated with the clin-
18 ical residency experience; and

19 “(ii) receives ongoing support from a
20 mentor principal or school leader who is ef-
21 fective.

22 “(2) STATE.—The term ‘State’ means each of
23 the 50 States, the District of Columbia, and the
24 Commonwealth of Puerto Rico.

1 “(3) TEACHER RESIDENCY PROGRAM.—The
2 term ‘teacher residency program’ means a school-
3 based teacher preparation program in which a pro-
4 spective teacher—

5 “(A) for not less than 1 academic year,
6 teaches alongside an effective teacher, as deter-
7 mined by a teacher evaluation system imple-
8 mented under part A (if applicable), who is the
9 teacher of record for the classroom;

10 “(B) receives concurrent instruction during
11 the year described in subparagraph (A)—

12 “(i) through courses that may be
13 taught by local educational agency per-
14 sonnel or by faculty of the teacher prepara-
15 tion program; and

16 “(ii) in the teaching of the content
17 area in which the teacher will become cer-
18 tified or licensed; and

19 “(C) acquires effective teaching skills, as
20 demonstrated through completion of a residency
21 program, or other measure determined by the
22 State, which may include a teacher performance
23 assessment.

1 **“SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) GRANTS TO STATES AND LOCAL EDUCATIONAL
3 AGENCIES.—For the purposes of carrying out part A
4 (other than section 2105), there are authorized to be ap-
5 propriated such sums as may be necessary for each of fis-
6 cal years 2016 through 2021.

7 “(b) NATIONAL ACTIVITIES.—For the purposes of
8 carrying out activities authorized under section 2105,
9 there are authorized to be appropriated such sums as may
10 be necessary for each of fiscal years 2016 through 2021.

11 “(c) TEACHER AND SCHOOL LEADER INCENTIVE
12 FUND.—For the purposes of carrying out part B, there
13 are authorized to be appropriated such sums as may be
14 necessary for each of fiscal years 2016 through 2021.

15 “(d) AMERICAN HISTORY AND CIVICS EDUCATION.—
16 For the purposes of carrying out part C, there are author-
17 ized to be appropriated such sums as may be necessary
18 for each of fiscal years 2016 through 2021.

19 “(e) LITERACY EDUCATION FOR ALL, RESULTS FOR
20 THE NATION.—For the purposes of carrying out part D,
21 there are authorized to be appropriated such sums as may
22 be necessary for each of fiscal years 2016 through 2021.

23 “(f) STEM INSTRUCTION AND STUDENT ACHIEVE-
24 MENT.—For the purposes of carrying out part E, there
25 are authorized to be appropriated such sums as may be
26 necessary for each of fiscal years 2016 through 2021.

1 **“PART A—FUND FOR THE IMPROVEMENT OF**
2 **TEACHING AND LEARNING**

3 **“SEC. 2101. FORMULA GRANTS TO STATES.**

4 “(a) RESERVATION OF FUNDS.—From the total
5 amount appropriated under section 2003(a) for a fiscal
6 year, the Secretary shall reserve—

7 “(1) one-half of 1 percent for allotments for the
8 United States Virgin Islands, Guam, American
9 Samoa, and the Commonwealth of the Northern
10 Mariana Islands, to be distributed among those out-
11 lying areas on the basis of their relative need, as de-
12 termined by the Secretary, in accordance with the
13 purpose of this title; and

14 “(2) one-half of 1 percent for the Secretary of
15 the Interior for programs under this part in schools
16 operated or funded by the Bureau of Indian Edu-
17 cation.

18 “(b) STATE ALLOTMENTS.—

19 “(1) HOLD HARMLESS.—

20 “(A) FISCAL YEARS 2016 THROUGH 2021.—

21 For each of fiscal years 2016 through 2021,
22 subject to paragraph (2) and subparagraph (C),
23 from the funds appropriated under section
24 2003(a) for a fiscal year that remain after the
25 Secretary makes the reservations under sub-
26 section (a), the Secretary shall allot to each

1 State an amount equal to the total amount that
2 such State received for fiscal year 2001
3 under—

4 “(i) section 2202(b) of this Act (as in
5 effect on the day before the date of enact-
6 ment of the No Child Left Behind Act of
7 2001); and

8 “(ii) section 306 of the Department of
9 Education Appropriations Act, 2001 (as
10 enacted into law by section 1(a)(1) of Pub-
11 lic Law 106-554).

12 “(B) RATABLE REDUCTION.—If the funds
13 described in subparagraph (A) are insufficient
14 to pay the full amounts that all States are eligi-
15 ble to receive under subparagraph (A) for any
16 fiscal year, the Secretary shall ratably reduce
17 those amounts for the fiscal year.

18 “(C) PERCENTAGE REDUCTION.—For each
19 of fiscal years 2016 through 2021, the amount
20 in subparagraph (A) shall be reduced by a per-
21 centage equal to the product of 14.29 percent
22 and the number of years between the fiscal year
23 for which the determination is being made and
24 fiscal year 2015.

25 “(2) ALLOTMENT OF ADDITIONAL FUNDS.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), for any fiscal year for which the
3 funds appropriated under section 2003(a) and
4 not reserved under subsection (a) exceed the
5 total amount required to make allotments under
6 paragraph (1), the Secretary shall allot to each
7 State the sum of—

8 “(i) an amount that bears the same
9 relationship to 20 percent of the excess
10 amount as the number of individuals age 5
11 through 17 in the State, as determined by
12 the Secretary on the basis of the most re-
13 cent satisfactory data, bears to the number
14 of those individuals in all such States, as
15 so determined; and

16 “(ii) an amount that bears the same
17 relationship to 80 percent of the excess
18 amount as the number of individuals age 5
19 through 17 from families with incomes
20 below the poverty line in the State, as de-
21 termined by the Secretary on the basis of
22 the most recent satisfactory data, bears to
23 the number of those individuals in all such
24 States, as so determined.

1 “(B) EXCEPTION.—No State receiving an
2 allotment under subparagraph (A) may receive
3 less than one-half of 1 percent of the total ex-
4 cess amount allotted under such subparagraph
5 for a fiscal year.

6 “(3) FISCAL YEAR 2022 AND SUCCEEDING FIS-
7 CAL YEARS.—For fiscal year 2022 and each of the
8 succeeding fiscal years, the Secretary shall allot
9 funds appropriated under section 2003(a) and not
10 reserved under subsection (a) to each State in ac-
11 cordance with paragraph (2).

12 “(4) REALLOTMENT.—If any State does not
13 apply for an allotment under this subsection for any
14 fiscal year, the Secretary shall reallocate the amount of
15 the allotment to the remaining States in accordance
16 with this subsection.

17 “(c) STATE USE OF FUNDS.—

18 “(1) IN GENERAL.—Except as provided for
19 under paragraph (3), each State that receives an al-
20 lotment under subsection (b) for a fiscal year shall
21 reserve not less than 95 percent of such allotment
22 to make subgrants to local educational agencies for
23 such fiscal year, as described in section 2102.

24 “(2) STATE ADMINISTRATION.—A State edu-
25 cational agency may use not more than 1 percent of

1 the amount allotted to such State under subsection
2 (b) for the administrative costs of carrying out such
3 State educational agency's responsibilities under this
4 part.

5 “(3) PRINCIPALS AND OTHER SCHOOL LEAD-
6 ERS.—Notwithstanding paragraph (1) and in addi-
7 tion to funds otherwise available for activities under
8 paragraph (4), a State educational agency may re-
9 serve not more than 3 percent of the amount re-
10 served for subgrants to local educational agencies
11 under paragraph (1) for activities for principals and
12 other school leaders described in paragraph (4), if
13 such reservation would not result in a lower alloca-
14 tion to local educational agencies under section
15 2102, as compared to such allocation for the pre-
16 ceding fiscal year.

17 “(4) STATE ACTIVITIES.—

18 “(A) IN GENERAL.—The State educational
19 agency for a State that receives an allotment
20 under subsection (b) may use funds not re-
21 served under paragraph (1) to carry out 1 or
22 more of the activities described in subparagraph
23 (B), which may be implemented in conjunction
24 with a State agency of higher education (if such
25 agencies are separate) and carried out through

1 a grant or contract with a for-profit or non-
2 profit entity, including an institution of higher
3 education.

4 “(B) TYPES OF STATE ACTIVITIES.—The
5 activities described in this subparagraph are the
6 following:

7 “(i) Reforming teacher, principal, and
8 other school leader certification, recertifi-
9 cation, licensing, or tenure systems or
10 preparation program standards and ap-
11 proval processes to ensure that—

12 “(I) teachers have the necessary
13 subject matter knowledge and teach-
14 ing skills, as demonstrated through
15 measures determined by the State,
16 which may include teacher perform-
17 ance assessments, in the academic
18 subjects that the teachers teach to
19 help students meet challenging State
20 academic standards described in sec-
21 tion 1111(b)(1);

22 “(II) principals and other school
23 leaders have the instructional leader-
24 ship skills to help teachers teach and

1 to help students meet such chal-
2 lenging State academic standards; and

3 “(III) teacher certification or li-
4 censing requirements are aligned with
5 such challenging State academic
6 standards.

7 “(ii) Developing, improving, or pro-
8 viding assistance to local educational agen-
9 cies to support the design and implementa-
10 tion of teacher, principal, and other school
11 leader evaluation and support systems that
12 are based in part on evidence of student
13 academic achievement, which may include
14 student growth, and shall include multiple
15 measures of educator performance and
16 provide clear, timely, and useful feedback
17 to teachers, principals, and other schools
18 leaders, such as by—

19 “(I) developing and dissemi-
20 nating high-quality evaluation tools,
21 such as classroom observation rubrics,
22 and methods, including training and
23 auditing, for ensuring inter-rater reli-
24 ability of evaluation results;

1 “(II) developing and providing
2 training to principals, other school
3 leaders, coaches, mentors, and eval-
4 uators on how to accurately differen-
5 tiate performance, provide useful and
6 timely feedback, and use evaluation
7 results to inform decisionmaking
8 about professional development, im-
9 provement strategies, and personnel
10 decisions; and

11 “(III) developing a system for
12 auditing the quality of evaluation and
13 support systems.

14 “(iii) Improving equitable access to ef-
15 fective teachers, principals, and other
16 school leaders.

17 “(iv) Carrying out programs that es-
18 tablish, expand, or improve alternative
19 routes for State certification of teachers
20 (especially for teachers of children with
21 disabilities, English learners, science, tech-
22 nology, engineering, mathematics, or other
23 areas where the State demonstrates a
24 shortage of educators), principals, and
25 other school leaders, for—

- 1 “(I) individuals with a bacca-
2 laureate or master’s degree, or other
3 advanced degree;
- 4 “(II) mid-career professionals
5 from other occupations;
- 6 “(III) paraprofessionals;
- 7 “(IV) former military personnel;
- 8 and
- 9 “(V) recent graduates of institu-
10 tions of higher education with records
11 of academic distinction who dem-
12 onstrate the potential to become high-
13 ly effective teachers, principals, or
14 other school leaders.
- 15 “(v) Developing, improving, and im-
16 plementing mechanisms to assist local edu-
17 cational agencies and schools in effectively
18 recruiting and retaining teachers, prin-
19 cipals, and other school leaders who are ef-
20 fective in improving student academic
21 achievement, including highly effective
22 teachers from underrepresented minority
23 groups and teachers with disabilities, such
24 as through—

1 “(I) opportunities for a cadre of
2 effective teachers to lead evidence-
3 based professional development for
4 their peers;

5 “(II) career opportunities for
6 teachers to grow as leaders, including
7 hybrid roles that allow teachers to vol-
8 untarily serve as mentors or academic
9 coaches while remaining in the class-
10 room; and

11 “(III) providing training and
12 support for teacher leaders and school
13 leaders who are recruited as part of
14 instructional leadership teams.

15 “(vi) Fulfilling the State educational
16 agency’s responsibilities concerning proper
17 and efficient administration and moni-
18 toring of the programs carried out under
19 this part, including provision of technical
20 assistance to local educational agencies.

21 “(vii) Developing, or assisting local
22 educational agencies in developing—

23 “(I) teacher advancement initia-
24 tives that promote professional growth
25 and emphasize multiple career paths,

1 such as school leadership, mentoring,
2 involvement with school improvement,
3 and instructional coaching;

4 “(II) strategies that provide dif-
5 ferential pay, or other incentives, to
6 recruit and retain teachers in high-
7 need academic subjects and teachers,
8 principals, or other school leaders, in
9 low-income schools and school dis-
10 tricts, which may include perform-
11 ance-based pay systems; and

12 “(III) new teacher, principal, and
13 other school leader induction and
14 mentoring programs that are evi-
15 dence-based and designed to—

16 “(aa) improve classroom in-
17 struction and student learning
18 and achievement;

19 “(bb) increase the retention
20 of effective teachers, principals,
21 and other school leaders;

22 “(cc) improve school leader-
23 ship to improve classroom in-
24 struction and student learning
25 and achievement; and

1 “(dd) provide opportunities
2 for teachers, principals, and
3 other school leaders who are ex-
4 perienced, effective, and have
5 demonstrated an ability to work
6 with adult learners to be men-
7 tors.

8 “(viii) Providing assistance to local
9 educational agencies for—

10 “(I) the development and imple-
11 mentation of high-quality professional
12 development programs for principals
13 that enable the principals to be effec-
14 tive and prepare all students to meet
15 the challenging State academic stand-
16 ards described in section 1111(b)(1);
17 and

18 “(II) the development and sup-
19 port of other school leadership pro-
20 grams to develop educational leaders.

21 “(ix) Supporting efforts to train
22 teachers, principals, and other school lead-
23 ers to effectively integrate technology into
24 curricula and instruction, which may in-
25 clude blended learning projects that in-

1 clude an element of online learning, com-
2 bined with supervised learning time and
3 student-led learning, in which the elements
4 are connected to provide an integrated
5 learning experience.

6 “(x) Providing training, technical as-
7 sistance, and capacity-building to local
8 educational agencies that receive a
9 subgrant under this part.

10 “(xi) Supporting teacher, principal,
11 and other school leader residency pro-
12 grams.

13 “(xii) Reforming or improving teach-
14 er, principal, and other school leader prep-
15 aration programs.

16 “(xiii) Supporting the instructional
17 services provided by school librarians.

18 “(xiv) Supporting other activities
19 identified by the State that are evidence-
20 based and that meet the purpose of this
21 title.

22 “(d) STATE PLAN.—

23 “(1) IN GENERAL.—In order to receive an allot-
24 ment under this section for any fiscal year, a State
25 shall submit a plan to the Secretary, at such time,

1 in such manner, and containing such information as
2 the Secretary may reasonably require.

3 “(2) CONTENTS.—Each plan described under
4 paragraph (1) shall include the following:

5 “(A) A description of how the State edu-
6 cational agency will use funds received under
7 this title for State-level activities described in
8 subsection (c).

9 “(B) A description of the State’s system of
10 certification, licensing, and professional growth
11 and improvement, such as clinical experience
12 for prospective educators, support for new edu-
13 cators, professional development, professional
14 growth and leadership opportunities, and com-
15 pensation systems for teachers, principals, and
16 other educators.

17 “(C) A description of how activities under
18 this part are aligned with challenging State aca-
19 demic standards and State assessments under
20 section 1111, which may include, as appro-
21 priate, relevant State early learning and devel-
22 opmental guidelines, as required under section
23 658E(c)(2)(T) of the Child Care and Develop-
24 ment Block Grant Act of 1990 (42 U.S.C.
25 9858c(c)(2)(T)).

1 “(D) A description of how the activities
2 using funds under this part are expected to im-
3 prove student achievement.

4 “(E) If a State educational agency plans
5 to use funds under this part to improve equi-
6 table access to effective teachers, principals,
7 and other school leaders, a description of how
8 such funds will be used to meet the State’s
9 commitment described in section 1111(c)(1)(F)
10 to ensure equitable access to effective teachers,
11 principals, and school leaders.

12 “(F) An assurance that the State edu-
13 cational agency will monitor the implementation
14 of activities under this part and provide tech-
15 nical assistance to local educational agencies in
16 carrying out such activities.

17 “(G) An assurance that the State edu-
18 cational agency will work in consultation with
19 the entity responsible for teacher and principal
20 professional standards, certification, and licens-
21 ing for the State, and encourage collaboration
22 between educator preparation programs, the
23 State, and local educational agencies to promote
24 the readiness of new educators entering the
25 profession.

1 “(H) A description of how the State edu-
2 cational agency will improve the skills of teach-
3 ers, principals, and other school leaders in order
4 to enable them to identify students with specific
5 learning needs, particularly students with dis-
6 abilities, English learners, students who are
7 gifted and talented, and students with low lit-
8 eracy levels, and provide instruction based on
9 the needs of such students.

10 “(I) A description of how the State will use
11 data and ongoing consultation with and input
12 from teachers and teacher organizations, prin-
13 cipals, other school leaders, specialized instruc-
14 tional support personnel, parents, community
15 partners, and (where applicable) institutions of
16 higher education, to continually update and im-
17 prove the activities supported under this part.

18 “(3) CONSULTATION.—In developing the State
19 plan under this subsection, a State shall—

20 “(A) involve teachers, teacher organiza-
21 tions, principals, other school leaders, special-
22 ized instructional support personnel, parents,
23 community partners, and other organizations or
24 partners with relevant and demonstrated exper-

1 tise in programs and activities designed to meet
2 the purpose of this title; and

3 “(B) seek advice from the individuals, or-
4 ganizations, or partners described in subpara-
5 graph (A) regarding how best to improve the
6 State’s activities to meet the purpose of this
7 title; and

8 “(C) coordinate the State’s activities under
9 this part with other related strategies, pro-
10 grams, and activities being conducted in the
11 State.

12 “(e) PROHIBITION.—Nothing in this section shall be
13 construed to authorize the Secretary or any other officer
14 or employee of the Federal Government to mandate, di-
15 rect, or control any of the following:

16 “(1) The development, improvement, or imple-
17 mentation of elements of any teacher, principal, or
18 school leader evaluation systems.

19 “(2) Any State or local educational agency’s
20 definition of teacher, principal, or other school lead-
21 er effectiveness.

22 “(3) Any teacher, principal, or other school
23 leader professional standards, certification, or licens-
24 ing.

1 **“SEC. 2102. SUBGRANTS TO LOCAL EDUCATIONAL AGEN-**
2 **CIES.**

3 “(a) ALLOCATION OF FUNDS TO LOCAL EDU-
4 CATIONAL AGENCIES.—

5 “(1) IN GENERAL.—From funds reserved by a
6 State under section 2101(c)(1) for a fiscal year, the
7 State, acting through the State educational agency,
8 shall award subgrants to eligible local educational
9 agencies from allocations described in paragraph (2).

10 “(2) ALLOCATION FORMULA.—From the funds
11 described in paragraph (1), the State educational
12 agency shall allocate to each of the eligible local edu-
13 cational agencies in the State for a fiscal year the
14 sum of—

15 “(A) an amount that bears the same rela-
16 tionship to 20 percent of such funds for such
17 fiscal year as the number of individuals aged 5
18 through 17 in the geographic area served by the
19 agency, as determined by the Secretary on the
20 basis of the most recent satisfactory data, bears
21 to the number of those individuals in the geo-
22 graphic areas served by all eligible local edu-
23 cational agencies in the State, as so determined;
24 and

25 “(B) an amount that bears the same rela-
26 tionship to 80 percent of the funds for such fis-

1 cal year as the number of individuals aged 5
2 through 17 from families with incomes below
3 the poverty line in the geographic area served
4 by the agency, as determined by the Secretary
5 on the basis of the most recent satisfactory
6 data, bears to the number of those individuals
7 in the geographic areas served by all the eligible
8 local educational agencies in the State, as so
9 determined.

10 “(3) ADMINISTRATIVE COSTS.—Of the amounts
11 allocated to a local educational agency under para-
12 graph (2), the local educational agency may use not
13 more than 2 percent for the direct administrative
14 costs of carrying out its responsibilities under this
15 part.

16 “(4) RULE OF CONSTRUCTION.—Nothing in
17 this section shall be construed to prohibit a consor-
18 tium of local educational agencies that are des-
19 ignated with a school locale code of 41, 42, or 43,
20 or such local educational agencies designated with a
21 school locale code of 41, 42, or 43 that work in co-
22 operation with an educational service agency, from
23 voluntarily combining allocations received under this
24 part for the collective use of funding by the consor-
25 tium for activities under this section.

1 “(b) LOCAL APPLICATIONS.—

2 “(1) IN GENERAL.—To be eligible to receive a
3 subgrant under this section, a local educational
4 agency shall conduct a needs assessment described
5 in paragraph (2) and submit an application to the
6 State educational agency at such time, in such man-
7 ner, and containing such information as the State
8 educational agency may reasonably require.

9 “(2) NEEDS ASSESSMENT.—

10 “(A) IN GENERAL.—To be eligible to re-
11 ceive a subgrant under this section, a local edu-
12 cational agency shall periodically conduct a
13 comprehensive needs assessment of the local
14 educational agency and of all schools served by
15 the local educational agency.

16 “(B) REQUIREMENTS.—The needs assess-
17 ment under subparagraph (A) shall be designed
18 to determine the schools with the most acute
19 staffing needs related to—

20 “(i) increasing the number of teach-
21 ers, principals, and other school leaders
22 who are effective in improving student aca-
23 demic achievement;

24 “(ii) ensuring that low-income and mi-
25 nority students are not disproportionately

1 served by ineffective teachers, principals,
2 and other school leaders;

3 “(iii) ensuring that low-income and
4 minority students have access to a high-
5 quality instructional program and appro-
6 priate class sizes that are evidence-based;

7 “(iv) hiring, retention, and advance-
8 ment and leadership opportunities for ef-
9 fective teachers, principals, and other
10 school leaders;

11 “(v) supporting and developing all
12 educators, including preschool, kinder-
13 garten, elementary, middle, or high school
14 teachers (including special education teach-
15 ers), principals, other school leaders, early
16 childhood directors, specialized instruc-
17 tional support personnel, paraprofessionals,
18 or other staff members who provide or di-
19 rectly support instruction;

20 “(vi) understanding and using data
21 and assessments to improve student learn-
22 ing and classroom practice;

23 “(vii) improving student behavior, in-
24 cluding the response of teachers, prin-
25 cipals, and other school leaders to student

1 behavior, in the classroom and school, in-
2 cluding the identification of early and ap-
3 propriate interventions, which may include
4 positive behavioral interventions and sup-
5 ports;

6 “(viii) teaching students who are
7 English learners, children who are in early
8 childhood education programs, children
9 with disabilities, American Indian children,
10 Alaskan Native children, and gifted and
11 talented students;

12 “(ix) ensuring funds are used to sup-
13 port schools served by the local educational
14 agency that are identified under section
15 1114(a)(1)(A) and schools with high per-
16 centages or numbers of children counted
17 under section 1124(e);

18 “(x) improving the academic and non-
19 academic skills of all students essential for
20 learning readiness and academic success;
21 and

22 “(xi) any other evidence-based factors
23 that the local educational agency deter-
24 mines are appropriate to meet the needs of
25 schools within the jurisdiction of the local

1 educational agency and meet the purpose
2 of this title.

3 “(3) CONSULTATION.—

4 “(A) IN GENERAL.—In conducting a needs
5 assessment described in paragraph (2), a local
6 educational agency shall—

7 “(i) involve teachers, teacher organi-
8 zations, principals, and other school lead-
9 ers, specialized instructional support per-
10 sonnel, parents, community partners, and
11 others with relevant and demonstrated ex-
12 pertise in programs and activities designed
13 to meet the purpose of this title; and

14 “(ii) take into account the activities
15 that need to be conducted in order to give
16 teachers, principals, and other school lead-
17 ers the skills to provide students with the
18 opportunity to meet challenging State aca-
19 demic standards described in section
20 1111(b)(1).

21 “(B) CONTINUED CONSULTATION.—A local
22 educational agency receiving a subgrant under
23 this section shall consult with such individuals
24 and organizations described in subparagraph
25 (A) on an ongoing basis in order to—

1 “(i) seek advice regarding how best to
2 improve the local educational agency’s ac-
3 tivities to meet the purpose of this title;
4 and

5 “(ii) coordinate the local educational
6 agency’s activities under this part with
7 other related strategies, programs, and ac-
8 tivities being conducted in the community.

9 “(4) CONTENTS OF APPLICATION.—Each appli-
10 cation submitted under paragraph (1) shall be based
11 on the results of the needs assessment required
12 under paragraph (2) and shall include the following:

13 “(A) A description of the results of the
14 comprehensive needs assessment carried out
15 under paragraph (2).

16 “(B) A description of the activities to be
17 carried out by the local educational agency
18 under this section and how these activities will
19 be aligned with the challenging State academic
20 standards described in section 1111(b)(1).

21 “(C) A description of how such activities
22 will comply with the principles of effectiveness
23 described in section 2103(c).

24 “(D) A description of the activities, includ-
25 ing professional development, that will be made

1 available to meet needs identified by the needs
2 assessment described in paragraph (2).

3 “(E) A description of the local educational
4 agency’s systems of hiring and professional
5 growth and improvement, such as induction for
6 teachers, principals, and other school leaders.

7 “(F) A description of how the local edu-
8 cational agency will support efforts to train
9 teachers, principals, and other school leaders to
10 effectively integrate technology into curricula
11 and instruction.

12 “(G) A description of how the local edu-
13 cational agency will prioritize funds to schools
14 served by the agency that are identified under
15 section 1114(a)(1)(A) and have the highest per-
16 centage or number of children counted under
17 section 1124(e).

18 “(H) Where a local educational agency has
19 a significant number of schools identified under
20 section 1114(a)(1)(A), as determined by the
21 State, a description of how the local educational
22 agency will seek the input of the State edu-
23 cational agency in planning and implementing
24 activities under this part.

1 “(I) An assurance that the local edu-
2 cational agency will comply with section 9501
3 (regarding participation by private school chil-
4 dren and teachers).

5 “(J) An assurance that the local edu-
6 cational agency will coordinate professional de-
7 velopment activities authorized under this part
8 with professional development activities pro-
9 vided through other Federal, State, and local
10 programs.

11 **“SEC. 2103. LOCAL USE OF FUNDS.**

12 “(a) IN GENERAL.—A local educational agency that
13 receives a subgrant under section 2102 shall use the funds
14 made available through the subgrant to develop, imple-
15 ment, and evaluate comprehensive, evidence-based pro-
16 grams and activities described in subsection (b), which
17 may be carried out through a grant or contract with a
18 for-profit or nonprofit entity, in partnership with an insti-
19 tution of higher education, or in partnership with an In-
20 dian tribe or tribal organization (as defined under section
21 4 of the Indian Self-Determination and Education Assist-
22 ance Act (25 U.S.C. 450b)).

23 “(b) TYPES OF ACTIVITIES.—The activities described
24 in this subsection—

1 “(1) shall meet the needs identified in the needs
2 assessment described in section 2102(b)(2);

3 “(2) shall be in accordance with the purpose of
4 this title, evidence-based, and consistent with the
5 principles of effectiveness described in subsection
6 (c);

7 “(3) shall address the learning needs of all stu-
8 dents, including children with disabilities, English
9 learners, and gifted and talented students; and

10 “(4) may include, among other programs and
11 activities—

12 “(A) developing or improving a rigorous,
13 transparent, and fair evaluation and support
14 system for teachers, principals, and other school
15 leaders that is based in part on evidence of stu-
16 dent achievement, which may include student
17 growth, and shall include multiple measures of
18 educator performance and provide clear, timely,
19 and useful feedback to teachers, principals, and
20 other schools leaders;

21 “(B) developing and implementing initia-
22 tives to assist in recruiting, hiring, and retain-
23 ing highly effective teachers, principals, and
24 other school leaders, particularly in low-income
25 schools with high percentages of ineffective

1 teachers and high percentages of students who
2 do not meet the challenging State academic
3 standards described in section 1111(b)(1), to
4 improve within-district equity in the distribu-
5 tion of teachers, principals, and school leaders
6 consistent with the requirements of section
7 1111(c)(1)(F), such as initiatives that pro-
8 vide—

9 “(i) expert help in screening can-
10 didates and enabling early hiring;

11 “(ii) differential and incentive pay for
12 teachers, principals, and other school lead-
13 ers in high-need academic subject areas
14 and specialty areas, which may include
15 performance-based pay systems;

16 “(iii) teacher, paraprofessional, prin-
17 cipal, and other school leader advancement
18 and professional growth, and an emphasis
19 on leadership opportunities, multiple career
20 paths and pay differentiation;

21 “(iv) new teacher, principal, and other
22 school leader induction and mentoring pro-
23 grams that are designed to—

1 “(I) improve classroom instruc-
2 tion and student learning and achieve-
3 ment;

4 “(II) increase the retention of ef-
5 fective teachers, principals, and other
6 school leaders;

7 “(III) improve school leadership
8 to improve classroom instruction and
9 student learning and achievement;
10 and

11 “(IV) provide opportunities for
12 mentor teachers, principals, and other
13 educators who are experienced, effec-
14 tive, and have demonstrated an ability
15 to work with adult learners;

16 “(v) the development and provision of
17 training for school leaders, coaches, men-
18 tors and evaluators on how to accurately
19 differentiate performance, provide useful
20 feedback, and use evaluation results to in-
21 form decisionmaking about professional de-
22 velopment, improvement strategies, and
23 personnel decisions; and

24 “(vi) a system for auditing the quality
25 of evaluation and support systems;

1 “(C) recruiting qualified individuals from
2 other fields to become teachers, principals, or
3 other school leaders including mid-career pro-
4 fessionals from other occupations, former mili-
5 tary personnel, and recent graduates of institu-
6 tions of higher education with a record of aca-
7 demic distinction who demonstrate potential to
8 become effective teachers, principals, or other
9 school leaders;

10 “(D) reducing class size to an evidence-
11 based level to improve student achievement
12 through the recruiting and hiring of additional
13 effective teachers;

14 “(E) providing high-quality, personalized
15 professional development for teachers, instruc-
16 tional leadership teams, principals, and other
17 school leaders, focused on improving teaching
18 and student learning and achievement, includ-
19 ing supporting efforts to train teachers, prin-
20 cipals, and other school leaders to—

21 “(i) effectively integrate technology
22 into curricula and instruction;

23 “(ii) use data from such technology to
24 improve student achievement;

1 “(iii) effectively engage parents, fami-
2 lies and community partners, and coordi-
3 nate services between school and commu-
4 nity; and

5 “(iv) help all students develop the
6 academic and nonacademic skills essential
7 for learning readiness and academic suc-
8 cess;

9 “(F) developing programs and activities
10 that increase the ability of teachers to effec-
11 tively teach children with disabilities, including
12 children with significant cognitive disabilities,
13 which may include the use of multi-tier systems
14 of support and positive behavioral intervention
15 and supports, and students who are English
16 learners, so that such children with disabilities
17 and students who are English learners can meet
18 the challenging State academic standards de-
19 scribed in section 1111(b)(1);

20 “(G) providing programs and activities to
21 increase the knowledge base of teachers and
22 principals on instruction in the early grades,
23 and strategies to measure whether young chil-
24 dren are progressing, which may include pro-
25 viding joint professional learning activities for

1 school staff and educators in preschool pro-
2 grams that address the transition to elementary
3 school;

4 “(H) providing training, technical assist-
5 ance, and capacity-building in local educational
6 agencies to assist teachers and school leaders
7 with selecting and implementing formative as-
8 sessments, designing classroom-based assess-
9 ments, and in using data from such assess-
10 ments to improve instruction and student aca-
11 demic achievement, which may include pro-
12 viding additional time for teachers to review
13 student data and respond, as appropriate;

14 “(I) supporting teacher, principal, and
15 school leader residency programs;

16 “(J) reforming or improving teacher, prin-
17 cipal, and other school leader preparation pro-
18 grams;

19 “(K) carrying out in-service training for
20 school personnel in—

21 “(i) the techniques and supports need-
22 ed for early identification of children with
23 trauma histories, and children with, or at
24 risk of, mental illness;

1 “(ii) the use of referral mechanisms
2 that effectively link such children to appro-
3 priate treatment and intervention services
4 in the school and in the community, where
5 appropriate; and

6 “(iii) forming partnerships between
7 school-based mental health programs and
8 public or private mental health organiza-
9 tions;

10 “(L) providing training to support the
11 identification of students who are gifted and
12 talented, including high-ability students who
13 have not been formally identified for gifted edu-
14 cation services, and implementing instructional
15 practices that support the education of such
16 students, such as early entrance to kinder-
17 garten, enrichment, acceleration, and cur-
18 riculum compacting activities, and dual enroll-
19 ment in secondary school and postsecondary
20 education;

21 “(M) supporting the instructional services
22 provided by school librarians;

23 “(N) providing general liability insurance
24 coverage for teachers related to actions per-
25 formed in the scope of their duties; and

1 “(O) carrying out other evidence-based ac-
2 tivities identified by the local educational agen-
3 cies that meet the purpose of this title.

4 “(c) PRINCIPLES OF EFFECTIVENESS.—

5 “(1) IN GENERAL.—For a program or activity
6 supported with funds provided under this part to
7 meet the principles of effectiveness, such program or
8 activity shall—

9 “(A) be based upon an assessment of ob-
10 jective data regarding the need for programs
11 and activities in the schools to be served to—

12 “(i) increase the number of teachers,
13 principals, and other school leaders who
14 are effective in improving student academic
15 achievement;

16 “(ii) ensure that low-income and mi-
17 nority students are served by effective
18 teachers, principals, and other school lead-
19 ers; and

20 “(iii) ensure that low-income and mi-
21 nority students have access to a high-qual-
22 ity instructional program;

23 “(B) be based upon established and evi-
24 dence-based criteria—

1 “(i) aimed at ensuring that all stu-
2 dents receive a high-quality education
3 taught by effective teachers and attend
4 schools led by effective principals and other
5 school leaders; and

6 “(ii) that result in improved student
7 academic achievement in the school served
8 by the program or activity; and

9 “(C) include meaningful and ongoing con-
10 sultation with and input from teachers, teacher
11 organizations, principals, other school leaders,
12 specialized instructional support personnel, par-
13 ents, community partners, and (where applica-
14 ble) institutions of higher education, in the de-
15 velopment of the application and administration
16 of the program or activity.

17 “(2) PERIODIC EVALUATION.—

18 “(A) IN GENERAL.—A program or activity
19 carried out under this section shall undergo a
20 periodic evaluation to assess its progress toward
21 achieving the goal of providing students with a
22 high-quality education, taught by effective
23 teachers, in schools led by effective principals
24 and school leaders that results in improved stu-
25 dent academic achievement.

1 “(B) USE OF RESULTS.—The results of an
2 evaluation described in subparagraph (A) shall
3 be—

4 “(i) used to refine, improve, and
5 strengthen the program or activity, and to
6 refine the criteria described in paragraph
7 (1)(B); and

8 “(ii) made available to the public upon
9 request, with public notice of such avail-
10 ability provided.

11 “(3) PROHIBITION.—Nothing in this subsection
12 shall be construed to authorize the Secretary or any
13 other officer or employee of the Federal Government
14 to mandate, direct, or control the principles of effec-
15 tiveness developed by local educational agencies
16 under paragraph (1) or the specific programs or ac-
17 tivities that will be implemented by a local edu-
18 cational agency.

19 **“SEC. 2104. REPORTING.**

20 “(a) STATE REPORT.—Each State educational agen-
21 cy receiving funds under this part shall annually submit
22 to the Secretary a report that provides—

23 “(1) the number and percent of teachers, prin-
24 cipals, and other school leaders in the State and
25 each local educational agency in the State who are

1 licensed or certified, provided such information does
2 not reveal personally identifiable information;

3 “(2) the first-time passage rate of teachers and
4 principals in the State and each local educational
5 agency in the State on teacher and principal licen-
6 sure examinations, provided such information does
7 not reveal personally identifiable information;

8 “(3) a description of how chosen professional
9 development activities improved teacher and prin-
10 cipal performance; and

11 “(4) if funds are used under this part to im-
12 prove equitable access to teachers, principals, and
13 other school leaders for low-income and minority
14 students, a description of how funds have been used
15 to improve such access.

16 “(b) LOCAL EDUCATIONAL AGENCY REPORT.—Each
17 local educational agency receiving funds under this part
18 shall submit to the State educational agency such informa-
19 tion that the State requires, which shall include the infor-
20 mation described in subsection (a) for the local edu-
21 cational agency.

22 “(c) AVAILABILITY.—The reports and information
23 provided under subsections (a) and (b) shall be made read-
24 ily available to the public.

1 “(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—

2 “(1) IN GENERAL.—From the funds reserved
3 by the Secretary under subsection (a)(2), the Sec-
4 retary shall award grants, on a competitive basis, to
5 eligible entities for the purposes of—

6 “(A) providing teachers, principals, and
7 other school leaders from nontraditional prepa-
8 ration and certification routes or pathways to
9 serve in traditionally underserved local edu-
10 cational agencies;

11 “(B) providing evidence-based professional
12 development activities that addresses literacy,
13 numeracy, remedial, or other needs of local edu-
14 cational agencies and the students the agencies
15 serve;

16 “(C) making freely available services and
17 learning opportunities to local educational agen-
18 cies, through partnerships and cooperative
19 agreements or by making the services or oppor-
20 tunities publicly accessible through electronic
21 means; or

22 “(D) providing teachers, principals, and
23 other school leaders with evidence-based profes-
24 sional enhancement activities, which may in-

1 clude activities that lead to an advanced creden-
2 tial.

3 “(2) PROGRAM PERIODS AND DIVERSITY OF
4 PROJECTS.—

5 “(A) IN GENERAL.—A grant awarded by
6 the Secretary to an eligible entity under this
7 subsection shall be for a period of not more
8 than 3 years.

9 “(B) RENEWAL.—The Secretary may
10 renew a grant awarded under this subsection
11 for 1 additional 2-year period.

12 “(C) DIVERSITY OF PROJECTS.—In award-
13 ing grants under this subsection, the Secretary
14 shall ensure that, to the extent practicable,
15 grants are distributed among eligible entities
16 that will serve geographically diverse areas, in-
17 cluding urban, suburban, and rural areas.

18 “(D) LIMITATION.—The Secretary shall
19 not award more than 1 grant under this sub-
20 section to an eligible entity during a grant com-
21 petition.

22 “(3) COST-SHARING.—

23 “(A) IN GENERAL.—An eligible entity that
24 receives a grant under this subsection shall pro-
25 vide, from non-Federal sources, not less than

1 25 percent of the funds for the total cost for
2 each year of activities carried out under this
3 subsection.

4 “(B) ACCEPTABLE CONTRIBUTIONS.—An
5 eligible entity that receives a grant under this
6 subsection may meet the requirement of sub-
7 paragraph (A) by providing contributions in
8 cash or in-kind, fairly evaluated, including
9 plant, equipment, and services.

10 “(C) WAIVERS.—The Secretary may waive
11 or modify the requirement of subparagraph (A)
12 in cases of demonstrated financial hardship.

13 “(4) APPLICATIONS.—In order to receive a
14 grant under this subsection, an eligible entity shall
15 submit an application to the Secretary at such time,
16 in such manner, and containing such information
17 that the Secretary may reasonably require. Such ap-
18 plication shall include, at a minimum, a certification
19 that the services provided by an eligible entity under
20 the grant to a local educational agency or to a school
21 served by the local educational agency will not result
22 in direct fees for participating students or parents.

23 “(5) DEFINITION OF ELIGIBLE ENTITY.—In
24 this subsection, the term ‘eligible entity’ means—

1 “(A) an institution of higher education
2 that provides course materials or resources that
3 are evidence-based in increasing academic
4 achievement, graduation rates, or rates of post-
5 secondary education matriculation;

6 “(B) a national nonprofit entity with a
7 demonstrated track record of raising student
8 academic achievement, graduation rates, and
9 rates of higher education attendance, matricula-
10 tion, or completion, or of effectiveness in pro-
11 viding preparation and professional development
12 activities and programs for teachers, principals,
13 and other school leaders; or

14 “(C) a partnership consisting of—

15 “(i) 1 or more entities described in
16 subparagraph (A) or (B); and

17 “(ii) a for-profit entity.

18 “(d) SCHOOL LEADER RECRUITMENT AND SUPPORT
19 PROGRAMS.—

20 “(1) IN GENERAL.—From the funds reserved
21 by the Secretary under subsection (a)(3), the Sec-
22 retary shall award grants, on a competitive basis to
23 eligible entities to enable such entities to improve
24 the recruitment, preparation, placement, support,

1 and retention of effective principals and other school
2 leaders in high-need schools, which may include—

3 “(A) developing or implementing leader-
4 ship training programs designed to prepare and
5 support principals and other school leaders in
6 high-need schools, including through new or al-
7 ternative pathways and school leader residency
8 programs;

9 “(B) developing or implementing programs
10 or activities for recruiting, selecting, and devel-
11 oping aspiring or current principals and other
12 school leaders to serve in high-need schools;

13 “(C) developing or implementing programs
14 for recruiting, developing, and placing school
15 leaders to improve schools identified for inter-
16 vention and support under section
17 1114(a)(1)(A), including through cohort-based
18 activities that build effective instructional and
19 school leadership teams and develop a school
20 culture, design, instructional program, and pro-
21 fessional development program focused on im-
22 proving student learning;

23 “(D) providing continuous professional de-
24 velopment for principals and other school lead-
25 ers in high-need schools;

1 “(E) developing and disseminating infor-
2 mation on best practices and strategies for ef-
3 fective school leadership in high-need schools;
4 and

5 “(F) other evidence-based programs or ac-
6 tivities described in section 2101(c)(3) or sec-
7 tion 2103(b)(4) focused on principals and other
8 school leaders in high-need schools.

9 “(2) PROGRAM PERIODS AND DIVERSITY OF
10 PROJECTS.—

11 “(A) IN GENERAL.—A grant awarded by
12 the Secretary to an eligible entity under this
13 subsection shall be for a period of not more
14 than 5 years.

15 “(B) RENEWAL.—The Secretary may
16 renew a grant awarded under this subsection
17 for 1 additional 2-year period.

18 “(C) DIVERSITY OF PROJECTS.—In award-
19 ing grants under this subsection, the Secretary
20 shall ensure that, to the extent practicable,
21 grants are distributed among eligible entities
22 that will serve geographically diverse areas, in-
23 cluding urban, suburban, and rural areas.

24 “(D) LIMITATION.—The Secretary shall
25 not award more than 1 grant under this sub-

1 section to an eligible entity during a grant com-
2 petition.

3 “(3) COST-SHARING.—

4 “(A) IN GENERAL.—An eligible entity that
5 receives a grant under this subsection shall pro-
6 vide, from non-Federal sources, not less than
7 25 percent of the funds for the total cost for
8 each year of activities carried out under this
9 subsection.

10 “(B) ACCEPTABLE CONTRIBUTIONS.—An
11 eligible entity that receives a grant under this
12 subsection may meet the requirement of sub-
13 paragraph (A) by providing contributions in
14 cash or in-kind, fairly evaluated, including
15 plant, equipment, and services.

16 “(C) WAIVERS.—The Secretary may waive
17 or modify the requirement of subparagraph (A)
18 in cases of demonstrated financial hardship.

19 “(4) APPLICATIONS.—An eligible entity that de-
20 sires a grant under this subsection shall submit to
21 the Secretary an application at such time, in such
22 manner, and accompanied by such information as
23 the Secretary may require.

24 “(5) PRIORITY.—In awarding grants under this
25 subsection, the Secretary shall give priority to an eli-

1 gible entity with a record of preparing or developing
2 principals who—

3 “(A) have improved school-level student
4 outcomes;

5 “(B) have become principals in high-need
6 schools; and

7 “(C) remain principals in high-need schools
8 for multiple years.

9 “(6) DEFINITIONS.—In this subsection—

10 “(A) the term ‘eligible entity’ means—

11 “(i) a local educational agency, includ-
12 ing an educational service agency, that
13 serves a high-need school or a consortium
14 of such agencies;

15 “(ii) a State educational agency or a
16 consortium of such agencies;

17 “(iii) a State educational agency in
18 partnership with 1 or more local edu-
19 cational agencies or educational service
20 agencies that serve a high-need school; or

21 “(iv) an entity described in clause (i),
22 (ii), or (iii) in partnership with 1 or more
23 nonprofit organizations or institutions of
24 higher education; and

25 “(B) the term ‘high-need school’ means—

1 “(i) an elementary school in which not
2 less than 50 percent of the enrolled stu-
3 dents are from families with incomes below
4 the poverty line; or

5 “(ii) a high school in which not less
6 than 40 percent of the enrolled students
7 are from families with incomes below the
8 poverty line.

9 **“SEC. 2106. SUPPLEMENT, NOT SUPPLANT.**

10 “Funds made available under this part shall be used
11 to supplement, and not supplant, non-Federal funds that
12 would otherwise be used for activities authorized under
13 this part.

14 **“PART B—TEACHER AND SCHOOL LEADER**
15 **INCENTIVE PROGRAM**

16 **“SEC. 2201. PURPOSES; DEFINITIONS.**

17 “(a) PURPOSES.—The purposes of this part are—

18 “(1) to assist States, local educational agencies,
19 and nonprofit organizations to develop, implement,
20 improve, or expand comprehensive performance-
21 based compensation systems or human capital man-
22 agement systems for teachers, principals, and other
23 school leaders (especially for teachers, principals,
24 and other school leaders in high-need schools) who
25 raise student academic achievement and close the

1 achievement gap between high- and low-performing
2 students; and

3 “(2) to study and review performance-based
4 compensation systems or human capital manage-
5 ment systems for teachers, principals, and other
6 school leaders to evaluate the effectiveness, fairness,
7 quality, consistency, and reliability of the systems.

8 “(b) DEFINITIONS.—In this part:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) a local educational agency, including
12 a charter school that is a local educational
13 agency, or a consortium of local educational
14 agencies;

15 “(B) a State educational agency or other
16 State agency designated by the chief executive
17 of a State to participate under this part; or

18 “(C) a partnership consisting of—

19 “(i) 1 or more agencies described in
20 subparagraph (A) or (B); and

21 “(ii) at least 1 nonprofit or for-profit
22 entity.

23 “(2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
24 CY.—The term ‘high-need local educational agency’

1 means a local educational agency, public charter
2 school, or charter management organization—

3 “(A) that serves not fewer than 10,000
4 children from families with incomes below the
5 poverty line; or

6 “(B) for which not less than 20 percent of
7 the children served by the agency, school, or or-
8 ganization are from families with incomes below
9 the poverty line.

10 “(3) HIGH-NEED SCHOOL.—The term ‘high-
11 need school’ means a public elementary school or
12 secondary school that is located in an area in which
13 the percentage of students from families with in-
14 comes below the poverty line is 30 percent or more.

15 “(4) HUMAN CAPITAL MANAGEMENT SYSTEM.—
16 The term ‘human capital management system’
17 means a system—

18 “(A) by which a local educational agency
19 makes and implements human capital decisions,
20 such as decisions on preparation, recruitment,
21 hiring, placement, retention, dismissal, com-
22 pensation, professional development, tenure,
23 and promotion; and

24 “(B) that includes a performance-based
25 compensation system.

1 “(5) PERFORMANCE-BASED COMPENSATION
2 SYSTEM.—The term ‘performance-based compensa-
3 tion system’ means a system of compensation for
4 teachers, principals, and other school leaders that—

5 “(A) differentiates levels of compensation
6 based in part on measurable increases in stu-
7 dent academic achievement; and

8 “(B) may include—

9 “(i) differentiated levels of compensa-
10 tion, which may include bonus pay, on the
11 basis of the employment responsibilities
12 and success of effective teachers, prin-
13 cipals, and other school leaders in hard-to-
14 staff schools or high-need subject areas;
15 and

16 “(ii) recognition of the skills and
17 knowledge of teachers, principals, and
18 other school leaders as demonstrated
19 through—

20 “(I) successful fulfillment of ad-
21 ditional responsibilities or job func-
22 tions, such as teacher leadership roles;
23 and

24 “(II) evidence of professional
25 achievement and mastery of content

1 knowledge and superior teaching and
2 leadership skills.

3 **“SEC. 2202. TEACHER AND SCHOOL LEADER INCENTIVE**
4 **FUND GRANTS.**

5 “(a) GRANTS AUTHORIZED.—From the amounts ap-
6 propriated to carry out this part, the Secretary shall
7 award grants, on a competitive basis, to eligible entities
8 to enable the eligible entities to develop, implement, im-
9 prove, or expand performance-based compensation sys-
10 tems or human capital management systems, in schools
11 served by the eligible entity.

12 “(b) DURATION OF GRANTS.—

13 “(1) IN GENERAL.—A grant awarded under
14 this part shall be for a period of not more than 3
15 years.

16 “(2) RENEWAL.—The Secretary may renew a
17 grant awarded under this part for a period of up to
18 2 years if the grantee demonstrates to the Secretary
19 that the grantee is effectively utilizing funds. Such
20 renewal may include allowing the grantee to scale up
21 or replicate the successful program.

22 “(3) LIMITATION.—A local educational agency
23 may receive (whether individually or as part of a
24 consortium or partnership) a grant under this part

1 only twice, as of the date of enactment of the Every
2 Child Achieves Act of 2015.

3 “(c) APPLICATIONS.—An eligible entity desiring a
4 grant under this part shall submit an application to the
5 Secretary, at such time, in such manner, and containing
6 such information as the Secretary may reasonably require.

7 The application shall include—

8 “(1) a description of the performance-based
9 compensation system or human capital management
10 system that the eligible entity proposes to develop,
11 implement, improve, or expand through the grant;

12 “(2) a description of the most pressing gaps or
13 insufficiencies in student access to effective teachers
14 and school leaders in high-need schools, including
15 gaps or inequities in how effective teachers and
16 school leaders are distributed across the local edu-
17 cational agency, as identified using factors such as
18 data on school resources, staffing patterns, school
19 environment, educator support systems and other
20 school level factors;

21 “(3) a description and evidence of the support
22 and commitment from teachers, principals, and
23 other school leaders, which may include charter
24 school leaders, in the school (including organizations
25 representing teachers, principals, and other school

1 leaders), the community, and the local educational
2 agency to the activities proposed under the grant;

3 “(4) a description of how the eligible entity will
4 develop and implement a fair, rigorous, valid, reli-
5 able, and objective process to evaluate teacher, prin-
6 cipal, school leader, and student performance under
7 the system that is based in part on measures of stu-
8 dent academic achievement, including the baseline
9 performance against which evaluations of improved
10 performance will be made;

11 “(5) a description of the local educational agen-
12 cies or schools to be served under the grant, includ-
13 ing such student academic achievement, demo-
14 graphic, and socioeconomic information as the Sec-
15 retary may request;

16 “(6) a description of the quality of teachers,
17 principals, and other school leaders in the local edu-
18 cational agency and the schools to be served under
19 the grant and the extent to which the system will in-
20 crease the quality of teachers, principals, and other
21 school leaders in a high-need school;

22 “(7) a description of how the eligible entity will
23 use grant funds under this part in each year of the
24 grant, including a timeline for implementation of
25 such activities;

1 “(8) a description of how the eligible entity will
2 continue the activities assisted under the grant after
3 the grant period ends;

4 “(9) a description of the State, local, or other
5 public or private funds that will be used to supple-
6 ment the grant, including funds under part A, and
7 sustain the activities assisted under the grant at the
8 end of the grant period;

9 “(10) a description of how the proposed activi-
10 ties are rational and evidence-based and, if applica-
11 ble, the prior experience of the eligible entity in de-
12 veloping and implementing such activities; and

13 “(11) a description of how activities funded
14 under this part will be evaluated, monitored, and
15 publically reported.

16 “(d) AWARD BASIS.—

17 “(1) PRIORITY.—In awarding a grant under
18 this part, the Secretary shall give priority to an eli-
19 gible entity that concentrates the activities proposed
20 to be assisted under the grant on teachers, prin-
21 cipals, and other school leaders serving in high-need
22 schools.

23 “(2) EQUITABLE DISTRIBUTION.—To the ex-
24 tent practicable, the Secretary shall ensure an equi-
25 table geographic distribution of grants under this

1 part, including the distribution of such grants be-
2 tween rural and urban areas.

3 “(e) USE OF FUNDS.—

4 “(1) IN GENERAL.—An eligible entity that re-
5 ceives a grant under this part shall use the grant
6 funds to develop, implement, improve, or expand, in
7 collaboration with teachers, principals, other school
8 leaders, and members of the public, a performance-
9 based compensation system or human capital man-
10 agement system consistent with this part.

11 “(2) AUTHORIZED ACTIVITIES.—Grant funds
12 under this part may be used for the following:

13 “(A) Developing or improving an evalua-
14 tion and support system, including as part of a
15 human capital management system as applica-
16 ble, that—

17 “(i) reflects clear and fair measures of
18 teacher, principal, and other school leader
19 performance, based in part on dem-
20 onstrated improvement in student aca-
21 demic achievement; and

22 “(ii) provides teachers, principals, and
23 other school leaders with ongoing, differen-
24 tiated, targeted and personalized support
25 and feedback for improvement, including

1 professional development opportunities de-
2 signed to increase effectiveness.

3 “(B) Conducting outreach within a local
4 educational agency or a State to gain input on
5 how to construct an evaluation system described
6 in subparagraph (A) and to develop support for
7 the evaluation system, including by training ap-
8 propriate personnel in how to observe and
9 evaluate teachers, principals, and other school
10 leaders.

11 “(C) Providing principals and other school
12 leaders with—

13 “(i) balanced autonomy to make
14 budgeting, scheduling, and other school-
15 level decisions in a manner that meets the
16 needs of the school without compromising
17 the intent or essential components of the
18 policies of the local educational agency or
19 State;

20 “(ii) authority to make staffing deci-
21 sions that meet the needs of the school,
22 such as building an instructional leader-
23 ship team that includes teacher leaders or
24 offering opportunities for teams or pairs of
25 effective teachers or candidates to teach or

1 start teaching in high-need schools to-
2 gether.

3 “(D) Paying, as part of a comprehensive
4 performance-based compensation system, a dif-
5 ferentiated salary structure, which may include
6 bonuses and stipends, to—

7 “(i) teachers who—

8 “(I)(aa) teach in high-need
9 schools; or

10 “(bb) teach in high-need subjects;

11 “(II) raise student academic
12 achievement; or

13 “(III) take on additional leader-
14 ship responsibilities; or

15 “(ii) principals and other school lead-
16 ers who serve in high-need schools and
17 raise student academic achievement in the
18 schools.

19 “(E) Improving the local educational agen-
20 cy’s system and process for the recruitment, se-
21 lection, placement, and retention of effective
22 teachers and school leaders in high-need
23 schools, such as by improving local educational
24 agency policies and procedures to ensure that

1 high-need schools are competitive and timely
2 in—

3 “(i) attracting, hiring, and retaining
4 effective educators;

5 “(ii) offering bonuses or higher sala-
6 ries to effective teachers; or

7 “(iii) establishing or strengthening
8 residency programs.

9 “(F) Instituting career advancement op-
10 portunities characterized by increased responsi-
11 bility and pay that reward and recognize effec-
12 tive teachers and school leaders in high-need
13 schools and enable them to expand their leader-
14 ship and results, such as through teacher-led
15 professional development, mentoring, coaching,
16 hybrid roles, administrative duties, and career
17 ladders.

18 “(f) MATCHING REQUIREMENT.—Each eligible entity
19 that receives a grant under this part shall provide, from
20 non-Federal sources, an amount equal to 50 percent of
21 the amount of the grant (which may be provided in cash
22 or in-kind) to carry out the activities supported by the
23 grant.

24 “(g) SUPPLEMENT, NOT SUPPLANT.—Grant funds
25 provided under this part shall be used to supplement, not

1 supplant, other Federal or State funds available to carry
2 out activities described in this part.

3 **“SEC. 2203. REPORTS.**

4 “(a) **ACTIVITIES SUMMARY.**—Each eligible entity re-
5 ceiving a grant under this part shall provide to the Sec-
6 retary a summary of the activities assisted under the
7 grant.

8 “(b) **REPORT.**—The Secretary shall provide to Con-
9 gress an annual report on the implementation of the pro-
10 gram carried out under this part, including—

11 “(1) information on eligible entities that re-
12 ceived grant funds under this part, including—

13 “(A) information provided by eligible enti-
14 ties to the Secretary in the applications sub-
15 mitted under section 2202(e);

16 “(B) the summaries received under sub-
17 section (a); and

18 “(C) grant award amounts; and

19 “(2) student academic achievement, and as ap-
20 plicable, growth data from the schools participating
21 in the programs supported under the grant.

22 “(c) **EVALUATION AND TECHNICAL ASSISTANCE.**—

23 “(1) **RESERVATION OF FUNDS.**—Of the total
24 amount reserved under section 2003(c) for this part
25 for a fiscal year, the Secretary may reserve for such

1 fiscal year not more than 1 percent for the cost of
2 the evaluation under paragraph (2) and for technical
3 assistance in carrying out this part.

4 “(2) EVALUATION.—From amounts reserved
5 under paragraph (1), the Secretary, acting through
6 the Director of the Institute of Education Sciences,
7 shall carry out an independent evaluation to meas-
8 ure the effectiveness of the program assisted under
9 this part.

10 “(3) CONTENTS.—The evaluation under para-
11 graph (2) shall measure—

12 “(A) the effectiveness of the program in
13 improving student academic achievement;

14 “(B) the satisfaction of the participating
15 teachers, principals, and other school leaders;
16 and

17 “(C) the extent to which the program as-
18 sisted the eligible entities in recruiting and re-
19 taining high-quality teachers, principals, and
20 other school leaders, especially in high-need
21 subject areas.”.

22 **SEC. 2003. AMERICAN HISTORY AND CIVICS EDUCATION.**

23 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
24 tion 2002, is further amended by adding at the end the
25 following:

1 **“PART C—AMERICAN HISTORY AND CIVICS**

2 **EDUCATION.**

3 **“SEC. 2301. PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—From amounts appropriated to
5 carry out this part, the Secretary is authorized to carry
6 out an American history and civics education program to
7 improve—

8 “(1) the quality of American history, civics, and
9 government education by educating students about
10 the history and principles of the Constitution of the
11 United States, including the Bill of Rights; and

12 “(2) the quality of teaching American history,
13 civics, and government in elementary schools and
14 secondary schools, including the teaching of tradi-
15 tional American history.

16 “(b) FUNDING ALLOTMENT.—From amounts made
17 available under section 2305 for a fiscal year, the Sec-
18 retary shall—

19 “(1) reserve not more than 85 percent for ac-
20 tivities under section 2302;

21 “(2) reserve not more than 10 percent for ac-
22 tivities under section 2303; and

23 “(3) reserve not more than 5 percent for activi-
24 ties under section 2304.

1 **“SEC. 2302. TEACHING OF TRADITIONAL AMERICAN HIS-**
2 **TORY.**

3 “(a) IN GENERAL.—From the amounts reserved by
4 the Secretary under section 2301(b)(1), the Secretary
5 shall award grants, on a competitive basis, to local edu-
6 cational agencies—

7 “(1) to carry out activities to promote the
8 teaching of traditional American history in elemen-
9 tary schools and secondary schools as a separate
10 academic subject (not as a component of social stud-
11 ies); and

12 “(2) for the development, implementation, and
13 strengthening of programs to teach traditional
14 American history as a separate academic subject
15 (not as a component of social studies) within ele-
16 mentary school and secondary school curricula, in-
17 cluding the implementation of activities—

18 “(A) to improve the quality of instruction;
19 and

20 “(B) to provide professional development
21 and teacher education activities with respect to
22 American history.

23 “(b) REQUIRED PARTNERSHIP.—A local educational
24 agency that receives a grant under subsection (a) shall
25 carry out activities under the grant in partnership with
26 1 or more of the following:

1 “(b) APPLICATION.—An eligible entity that desires to
2 receive a grant under subsection (a) shall submit an appli-
3 cation to the Secretary at such time, in such manner, and
4 containing such information as the Secretary may reason-
5 ably require.

6 “(c) ELIGIBLE ENTITY.—The term ‘eligible entity’
7 under this section means—

8 “(1) an institution of higher education or non-
9 profit educational organization, museum, library, or
10 research center with demonstrated expertise in his-
11 torical methodology or the teaching of American his-
12 tory and civics; or

13 “(2) a consortium of entities described in para-
14 graph (1).

15 “(d) GRANT TERMS.—Grants awarded to eligible en-
16 tities under subsection (a) shall be for a term of not more
17 than 5 years.

18 “(e) PRESIDENTIAL ACADEMIES.—

19 “(1) USE OF FUNDS.—Each eligible entity that
20 receives a grant under subsection (a)(1) shall use
21 the grant funds to establish a Presidential Academy
22 that offers a seminar or institute for teachers of
23 American history and civics, which—

24 “(A) provides intensive professional devel-
25 opment opportunities for teachers of American

1 history and civics to strengthen such teachers'
2 knowledge of the subjects of American history
3 and civics;

4 “(B) is led by a team of primary scholars
5 and core teachers who are accomplished in the
6 field of American history and civics;

7 “(C) is conducted during the summer or
8 other appropriate time; and

9 “(D) is of not less than 2 weeks and not
10 more than 6 weeks in duration.

11 “(2) SELECTION OF TEACHERS.—Each year,
12 each Presidential Academy shall select between 50
13 and 300 teachers of American history and civics
14 from public or private elementary schools and sec-
15 ondary schools to attend the seminar or institute
16 under paragraph (1).

17 “(3) TEACHER STIPENDS.—Each teacher se-
18 lected to participate in a seminar or institute under
19 this subsection shall be awarded a fixed stipend
20 based on the length of the seminar or institute to
21 ensure that such teacher does not incur personal
22 costs associated with the teacher’s participation in
23 the seminar or institute.

24 “(4) PRIORITY.—In awarding grants under this
25 subsection, the Secretary shall give priority to eligi-

1 ble entities that coordinate or align their activities
2 with the National Park Service National Centennial
3 Parks initiative to develop innovative and com-
4 prehensive programs using the resources of the Na-
5 tional Parks.

6 “(f) CONGRESSIONAL ACADEMIES.—

7 “(1) USE OF FUNDS.—Each eligible entity that
8 receives a grant under subsection (a)(2) shall use
9 the grant funds to establish a Congressional Acad-
10 emy that offers a seminar or institute for out-
11 standing students of American history and civics,
12 which—

13 “(A) broadens and deepens such students’
14 understanding of American history and civics;

15 “(B) is led by a team of primary scholars
16 and core teachers who are accomplished in the
17 field of American history and civics;

18 “(C) is conducted during the summer or
19 other appropriate time; and

20 “(D) is of not less than 2 weeks and not
21 more than 6 weeks in duration.

22 “(2) SELECTION OF STUDENTS.—

23 “(A) IN GENERAL.—Each year, each Con-
24 gressional Academy shall select between 100

1 and 300 eligible students to attend the seminar
2 or institute under paragraph (1).

3 “(B) ELIGIBLE STUDENTS.—A student
4 shall be eligible to attend a seminar or institute
5 offered by a Congressional Academy under this
6 subsection if the student—

7 “(i) is recommended by the student’s
8 secondary school principal or other school
9 leader to attend the seminar or institute;
10 and

11 “(ii) will be a junior or senior in the
12 academic year following attendance at the
13 seminar or institute.

14 “(3) STUDENT STIPENDS.—Each student se-
15 lected to participate in a seminar or institute under
16 this subsection shall be awarded a fixed stipend
17 based on the length of the seminar or institute to
18 ensure that such student does not incur personal
19 costs associated with the student’s participation in
20 the seminar or institute.

21 “(g) MATCHING FUNDS.—

22 “(1) IN GENERAL.—An eligible entity that re-
23 ceives funds under subsection (a) shall provide, to-
24 ward the cost of the activities assisted under the

1 grant, from non-Federal sources, an amount equal
2 to 100 percent of the amount of the grant.

3 “(2) WAIVER.—The Secretary may waive all or
4 part of the matching requirement described in para-
5 graph (1) for any fiscal year for an eligible entity if
6 the Secretary determines that applying the matching
7 requirement would result in serious hardship or an
8 inability to carry out the activities described in sub-
9 section (e) or (f).

10 **“SEC. 2304. NATIONAL ACTIVITIES.**

11 “(a) PURPOSE.—The purpose of this section is to
12 promote innovative strategies to promote innovative his-
13 tory, civic, and geography instruction, learning strategies,
14 and professional development activities and programs for
15 teachers, principals, and other school leaders, particularly
16 for low-income students in underserved areas.

17 “(b) IN GENERAL.—From the funds reserved by the
18 Secretary under section 2301(b)(3), the Secretary shall
19 award grants, on a competitive basis, to eligible entities
20 for the purposes of—

21 “(1) developing, implementing, evaluating and
22 disseminating for voluntary use, innovative, evi-
23 denced-based approaches to civic learning, geog-
24 raphy, and American history, which may include
25 hands-on civic engagement activities for teachers

1 and low-income students, that demonstrate innova-
2 tion, scalability, accountability, and a focus on un-
3 derserved populations; or

4 “(2) other innovative evidence-based approaches
5 to improving the quality of student achievement and
6 teaching of American history, civics, geography, and
7 government in elementary schools and secondary
8 schools.

9 “(c) PROGRAM PERIODS AND DIVERSITY OF
10 PROJECTS.—

11 “(1) IN GENERAL.—A grant awarded by the
12 Secretary to an eligible entity under this section
13 shall be for a period of not more than 3 years.

14 “(2) RENEWAL.—The Secretary may renew a
15 grant awarded under this section for 1 additional 2-
16 year period.

17 “(3) DIVERSITY OF PROJECTS.—In awarding
18 grants under this section, the Secretary shall ensure
19 that, to the extent practicable, grants are distributed
20 among eligible entities that will serve geographically
21 diverse areas, including urban, suburban, and rural
22 areas.

23 “(d) APPLICATIONS.—In order to receive a grant
24 under this section, an eligible entity shall submit an appli-
25 cation to the Secretary at such time, and in such manner,

1 and containing such information that the Secretary may
2 reasonably require.

3 “(e) **ELIGIBLE ENTITY.**—In this section, the term
4 ‘eligible entity’ means an institution of higher education
5 or other nonprofit or for-profit organization with dem-
6 onstrated expertise in the development of evidence-based
7 approaches for improving the quality of American history,
8 geography, and civics learning and teaching.

9 **“SEC. 2305. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 this part such sums as may be necessary for fiscal years
12 2016 through 2021.”.

13 **SEC. 2004. LITERACY EDUCATION.**

14 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
15 tions 2001 through 2003, is further amended by adding
16 at the end the following:

17 **“PART D—LITERACY EDUCATION FOR ALL,**
18 **RESULTS FOR THE NATION.**

19 **“SEC. 2401. PURPOSES; DEFINITIONS.**

20 “(a) **PURPOSES.**—The purpose of this part is—

21 “(1) to improve student academic achievement
22 in reading and writing by providing Federal support
23 to States to develop, revise, or update comprehensive
24 literacy instruction plans that when implemented en-
25 sure high-quality instruction and effective strategies

1 in reading and writing from early education through
2 grade 12; and

3 “(2) for States to provide targeted subgrants to
4 State-designated early childhood education programs
5 and local educational agencies and their public or
6 private partners to implement evidenced-based pro-
7 grams that ensure high-quality comprehensive lit-
8 eracy instruction for students most in need.

9 “(b) DEFINITIONS.—In this part:

10 “(1) COMPREHENSIVE LITERACY INSTRU-
11 TION.—The term ‘comprehensive literacy instruc-
12 tion’ means instruction that—

13 “(A) includes developmentally appropriate,
14 contextually explicit, and systematic instruction,
15 and frequent practice, in reading and writing
16 across content areas;

17 “(B) includes age-appropriate, explicit, sys-
18 tematic, and intentional instruction in phono-
19 logical awareness, phonic decoding, vocabulary,
20 language structure, reading fluency, and read-
21 ing comprehension;

22 “(C) includes age-appropriate, explicit in-
23 struction in writing, including opportunities for
24 children to write with clear purposes, with crit-
25 ical reasoning appropriate to the topic and pur-

1 pose, and with specific instruction and feedback
2 from instructional staff;

3 “(D) makes available and uses diverse,
4 high-quality print materials that reflect the
5 reading and development levels, and interests,
6 of children;

7 “(E) uses differentiated instructional ap-
8 proaches, including individual and small group
9 instruction and discussion;

10 “(F) provides opportunities for children to
11 use language with peers and adults in order to
12 develop language skills, including developing vo-
13 cabulary;

14 “(G) includes frequent practice of reading
15 and writing strategies;

16 “(H) uses age-appropriate, valid, and reli-
17 able screening assessments, diagnostic assess-
18 ments, formative assessment processes, and
19 summative assessments to identify a child’s
20 learning needs, to inform instruction, and to
21 monitor the child’s progress and the effects of
22 instruction;

23 “(I) uses strategies to enhance children’s
24 motivation to read and write and children’s en-
25 gagement in self-directed learning;

1 “(J) incorporates the principles of uni-
2 versal design for learning;

3 “(K) depends on teachers’ collaboration in
4 planning, instruction, and assessing a child’s
5 progress and on continuous professional learn-
6 ing; and

7 “(L) links literacy instruction to the chal-
8 lenging State academic standards under section
9 1111(b)(1), including the ability to navigate,
10 understand, and write about, complex print and
11 digital subject matter.

12 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
13 tity’ means an entity that serves a high share or
14 percentage of high-need schools and consists of—

15 “(A) one or more local educational agen-
16 cies that—

17 “(i) have the highest number or pro-
18 portion of children who are counted under
19 section 1124(c), in comparison to other
20 local educational agencies in the State;

21 “(ii) are among the local educational
22 agencies in the State with the highest
23 number or percentages of children reading
24 or writing below grade level, based on the

1 most currently available State academic as-
2 sessment data under section 1111(b)(2); or

3 “(iii) serve a significant number or
4 percentage of schools that are identified
5 under section 1114(a)(1)(A);

6 “(B) one or more State-designated early
7 childhood education programs, which may in-
8 clude home-based literacy programs for pre-
9 school aged children, that have a demonstrated
10 record of providing comprehensive literacy in-
11 struction for the age group such program pro-
12 poses to serve; or

13 “(C) a local educational agency, described
14 in subparagraph (A), or consortium of such
15 local educational agencies, or a State-designated
16 early childhood education program, which may
17 include home-based literacy programs for pre-
18 school aged children, acting in partnership with
19 1 or more public or private nonprofit organiza-
20 tions or agencies (which may include State-des-
21 ignated early childhood education programs)
22 that have a demonstrated record of effective-
23 ness in—

24 “(i) improving literacy achievement of
25 children, consistent with the purposes of

1 their participation, from birth through
2 grade 12; and

3 “(ii) providing professional develop-
4 ment in comprehensive literacy instruction.

5 “(3) HIGH-NEED SCHOOL.—

6 “(A) IN GENERAL.—The term ‘high-need
7 school’ means—

8 “(i) an elementary school or middle
9 school in which not less than 50 percent of
10 the enrolled students are children from
11 low-income families; or

12 “(ii) a high school in which not less
13 than 40 percent of the enrolled students
14 are children from low-income families,
15 which may be calculated using comparable
16 data from the schools that feed into the
17 high school.

18 “(B) LOW-INCOME FAMILY.—For purposes
19 of subparagraph (A), the term ‘low-income fam-
20 ily’ means a family—

21 “(i) in which the children are eligible
22 for a free or reduced price lunch under the
23 Richard B. Russell National School Lunch
24 Act (42 U.S.C. 1751 et seq.);

1 “(ii) receiving assistance under the
2 program of block grants to States for tem-
3 porary assistance for needy families estab-
4 lished under part A of title IV of the So-
5 cial Security Act (42 U.S.C. 601 et seq.);
6 or

7 “(iii) in which the children are eligible
8 to receive medical assistance under the
9 Medicaid program under title XIX of the
10 Social Security Act (42 U.S.C. 1396 et
11 seq.).

12 **“SEC. 2402. COMPREHENSIVE LITERACY STATE DEVELOP-**
13 **MENT GRANTS.**

14 “(a) GRANTS AUTHORIZED.—From the amounts ap-
15 propriated to carry out this part and not reserved under
16 subsection (b), the Secretary shall award grants, on a
17 competitive basis, to States to enable the States to—

18 “(1) provide subgrants to eligible entities serv-
19 ing a diversity of geographic areas, giving priority to
20 entities serving greater numbers or percentages of
21 disadvantaged children; and

22 “(2) develop or enhance comprehensive literacy
23 instruction plans that ensure high-quality instruction
24 and effective strategies in reading and writing for
25 children from early childhood education through

1 grade 12, including English learners and children
2 with disabilities.

3 “(b) RESERVATION.—From the amounts appro-
4 priated to carry out this part for a fiscal year, the Sec-
5 retary shall reserve—

6 “(1) not more than a total of 5 percent for na-
7 tional activities including a national evaluation, tech-
8 nical assistance and training, data collection, and re-
9 porting;

10 “(2) one-half of 1 percent for the Secretary of
11 the Interior to carry out a program described in this
12 part at schools operated or funded by the Bureau of
13 Indian Education; and

14 “(3) one-half of 1 percent for the outlying areas
15 to carry out a program under this part.

16 “(c) DURATION OF GRANTS.—A grant awarded
17 under this part shall be awarded for a period of not more
18 than 5 years. Such grant may be renewed for an additional
19 2-year period upon the termination of the initial period
20 of the grant if the grant recipient demonstrates to the sat-
21 isfaction of the Secretary that—

22 “(1) the State has made adequate progress; and

23 “(2) renewing the grant for an additional 2-
24 year period is necessary to carry out the objectives
25 of the grant described in subsection (d).

1 “(d) STATE APPLICATIONS.—

2 “(1) IN GENERAL.—A State educational agency
3 desiring a grant under this part shall submit an ap-
4 plication to the Secretary, at such time and in such
5 manner as the Secretary may require. The State
6 educational agency shall collaborate with the State
7 agency responsible for administering early childhood
8 education programs and the State agency respon-
9 sible for administering child care programs in the
10 State in writing and implementing the early child-
11 hood education portion of the grant application
12 under this subsection.

13 “(2) CONTENTS.—An application described in
14 paragraph (1) shall include, at a minimum, the fol-
15 lowing:

16 “(A) A needs assessment that analyzes lit-
17 eracy needs across the State and in high-need
18 schools and local educational agencies that
19 serve high-need schools, including identifying
20 the most pressing gaps in literacy proficiency
21 and inequities in student access to effective
22 teachers of literacy, considering each of the cat-
23 egories of students, as defined in section
24 1111(b)(3)(A).

1 “(B) A description of how the State edu-
2 cational agency, in collaboration with the State
3 literacy team, if applicable, will develop a State
4 comprehensive literacy instruction plan or will
5 revise and update an already existing State
6 comprehensive literacy instruction plan.

7 “(C) An implementation plan that includes
8 a description of how the State educational agen-
9 cy will carry out the State activities described
10 in subsection (e).

11 “(D) An assurance that the State edu-
12 cational agency will use implementation grant
13 funds described in subsection (e)(1) for com-
14 prehensive literacy instruction programs as fol-
15 lows:

16 “(i) Not less than 15 percent of such
17 grant funds shall be used for State and
18 local programs and activities pertaining to
19 children from birth through kindergarten
20 entry.

21 “(ii) Not less than 40 percent of such
22 grant funds shall be used for State and
23 local programs and activities, allocated eq-
24 uitably among the grades of kindergarten
25 through grade 5.

1 “(iii) Not less than 40 percent of such
2 grant funds shall be used for State and
3 local programs and activities, allocated equ-
4 itably among grades 6 through 12.

5 “(E) An assurance that the State edu-
6 cational agency shall give priority in awarding
7 a subgrant under section 2403 to an eligible en-
8 tity that—

9 “(i) serves children from birth
10 through age 5 who are from families with
11 income levels at or below 200 percent of
12 the Federal poverty line; or

13 “(ii) consists of a local educational
14 agency serving a high number or percent-
15 age of high-need schools.

16 “(e) STATE ACTIVITIES.—

17 “(1) IN GENERAL.—A State educational agency
18 receiving a grant under this section shall use not
19 less than 95 percent of such grant funds to award
20 subgrants to eligible entities, based on their needs
21 assessment and a competitive application process.

22 “(2) RESERVATION.—A State educational agen-
23 cy receiving a grant under this section may reserve
24 not more than 5 percent for activities identified
25 through the needs assessment and comprehensive lit-

1 eracy plan described in subparagraphs (A) and (B)
2 of subsection (d)(2), including the following activi-
3 ties:

4 “(A) Providing technical assistance, or en-
5 gaging qualified providers to provide technical
6 assistance, to eligible entities to enable the eligi-
7 ble entities to design and implement literacy
8 programs.

9 “(B) Coordinating with institutions of
10 higher education in the State to provide rec-
11 ommendations to strengthen and enhance pre-
12 service courses for students preparing to teach
13 children from birth through grade 12 in ex-
14 plicit, systematic, and intensive instruction in
15 evidence-based literacy methods.

16 “(C) Reviewing and updating, in collabora-
17 tion with teachers, statewide educational and
18 professional organizations representing teach-
19 ers, and statewide educational and professional
20 organizations representing institutions of higher
21 education, State licensure or certification stand-
22 ards in the area of literacy instruction in early
23 education through grade 12.

24 “(D) Making publicly available, including
25 on the State educational agency’s website, in-

1 formation on promising instructional practices
2 to improve child literacy achievement.

3 “(E) Administering and monitoring the
4 implementation of subgrants by eligible entities.

5 “(3) ADDITIONAL USES.—After carrying out
6 the activities described in paragraphs (1) and (2), a
7 State educational agency may use any remaining
8 amount to carry out 1 or more of the following ac-
9 tivities:

10 “(A) Developing literacy coach training
11 programs and training literacy coaches.

12 “(B) Administration and evaluation of ac-
13 tivities carried out under this part.

14 **“SEC. 2403. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**
15 **PORT LITERACY FOR CHILDREN FROM BIRTH**
16 **THROUGH KINDERGARTEN ENTRY.**

17 “(a) SUBGRANTS.—

18 “(1) IN GENERAL.—A State educational agency
19 receiving a grant under this part shall, in consulta-
20 tion with the State agencies responsible for admin-
21 istering early childhood education programs and
22 services, including the State agency responsible for
23 administering child care programs, and, if applica-
24 ble, the State Advisory Council on Early Childhood
25 Education and Care designated or established pursu-

1 ant to section 642B(b)(1)(A)(i) of the Head Start
2 Act (42 U.S.C. 9837b(b)(1)(A)(i)), use a portion of
3 the grant funds, in accordance with section
4 2402(d)(2)(D)(i), to award subgrants, on a competi-
5 tive basis, to eligible entities to enable the eligible
6 entities to support high-quality early literacy initia-
7 tives for children from birth through kindergarten
8 entry.

9 “(2) DURATION.—The term of a subgrant
10 under this section shall be determined by the State
11 educational agency awarding the subgrant and shall
12 in no case exceed 5 years.

13 “(3) SUFFICIENT SIZE AND SCOPE.—Each
14 subgrant awarded under this section shall be of suf-
15 ficient size and scope to allow the eligible entity to
16 carry out high-quality early literacy initiatives for
17 children from birth through kindergarten entry.

18 “(b) LOCAL APPLICATIONS.—An eligible entity desir-
19 ing to receive a subgrant under this section shall submit
20 an application to the State educational agency, at such
21 time, in such manner, and containing such information as
22 the State educational agency may require. Such applica-
23 tion shall include a description of—

24 “(1) how the subgrant funds will be used to en-
25 hance the language and literacy development and

1 school readiness of children, from birth through kin-
2 dergarten entry, in early childhood education pro-
3 grams, which shall include an analysis of data that
4 support the proposed use of subgrant funds;

5 “(2) how the subgrant funds will be used to
6 prepare and provide ongoing assistance to staff in
7 the programs, through high-quality professional de-
8 velopment;

9 “(3) how the activities assisted under the
10 subgrant will be coordinated with comprehensive lit-
11 eracy instruction at the kindergarten through grade
12 12 levels;

13 “(4) how the subgrant funds will be used to
14 evaluate the success of the activities assisted under
15 the subgrant in enhancing the early language and
16 literacy development of children from birth through
17 kindergarten entry; and

18 “(5) such other information as the State edu-
19 cational agency may require.

20 “(c) LOCAL USES OF FUNDS.—An eligible entity that
21 receives a subgrant under this section shall use the
22 subgrant funds, consistent with the entity’s approved ap-
23 plication under subsection (b), to—

24 “(1) carry out high-quality professional develop-
25 ment opportunities for early childhood educators,

1 teachers, principals, other school leaders, paraprofes-
 2 sionals, specialized instructional support personnel,
 3 and instructional leaders;

4 “(2) train providers and personnel to develop
 5 and administer high-quality early childhood edu-
 6 cation literacy initiatives; and

7 “(3) coordinate the involvement of families,
 8 early childhood education program staff, principals,
 9 other school leaders, and teachers in literacy devel-
 10 opment of children served under the subgrant.

11 **“SEC. 2404. SUBGRANTS TO ELIGIBLE ENTITIES IN SUP-**
 12 **PORT OF KINDERGARTEN THROUGH GRADE**
 13 **12 LITERACY.**

14 “(a) SUBGRANTS TO ELIGIBLE ENTITIES.—

15 “(1) SUBGRANTS.—A State educational agency
 16 receiving a grant under this part shall use a portion
 17 of the grant funds, in accordance with clauses (ii)
 18 and (iii) of section 2402(d)(2)(D), to award sub-
 19 grants, on a competitive basis, to eligible entities to
 20 enable the eligible entities to carry out the author-
 21 ized activities described in subsections (b) and (c).

22 “(2) DURATION.—The term of a subgrant
 23 under this section shall be determined by the State
 24 educational agency awarding the subgrant and shall
 25 in no case exceed 5 years.

1 “(3) SUFFICIENT SIZE AND SCOPE.—A State
2 educational agency shall award subgrants under this
3 section of sufficient size and scope to allow the eligi-
4 ble entities to carry out high-quality comprehensive
5 literacy instruction in each grade level for which the
6 subgrant funds are provided.

7 “(4) LOCAL APPLICATIONS.—An eligible entity
8 desiring to receive a subgrant under this section
9 shall submit an application to the State educational
10 agency at such time, in such manner, and containing
11 such information as the State educational agency
12 may require. Such application shall include, for each
13 school that the eligible entity identifies as partici-
14 pating in a subgrant program under this section, the
15 following information:

16 “(A) A description of the eligible entity’s
17 needs assessment conducted to identify how
18 subgrant funds will be used to inform and im-
19 prove comprehensive literacy instruction at the
20 school.

21 “(B) How the school, the local educational
22 agency, or a provider of high-quality profes-
23 sional development will provide ongoing high-
24 quality professional development to all teachers,

1 principals, other school leaders, and other in-
2 structional leaders served by the school.

3 “(C) How the school will identify children
4 in need of literacy interventions or other sup-
5 port services.

6 “(D) An explanation of how the school will
7 integrate comprehensive literacy instruction into
8 core academic subjects.

9 “(E) A description of how the school will
10 coordinate comprehensive literacy instruction
11 with early childhood education and after-school
12 programs and activities in the area served by
13 the local educational agency.

14 “(b) LOCAL USES OF FUNDS FOR KINDERGARTEN
15 THROUGH GRADE 5.—An eligible entity that receives a
16 subgrant under this section shall use the subgrant funds
17 to carry out the following activities pertaining to children
18 in kindergarten through grade 5:

19 “(1) Developing and implementing a com-
20 prehensive literacy instruction plan across content
21 areas for such children that—

22 “(A) serves the needs of all children, in-
23 cluding children with disabilities and English
24 learners, especially children who are reading or
25 writing below grade level;

1 “(B) provides intensive, supplemental, ac-
2 celerated, and explicit intervention and support
3 in reading and writing for children whose lit-
4 eracy skills are below grade level; and

5 “(C) supports activities that are provided
6 primarily during the regular school day but
7 which may be augmented by after-school and
8 out-of-school time instruction.

9 “(2) Providing high-quality professional devel-
10 opment opportunities for teachers, literacy coaches,
11 literacy specialists, English as a second language
12 specialists (as appropriate), principals, other school
13 leaders, specialized instructional support personnel,
14 paraprofessionals, and other program staff.

15 “(3) Training principals, specialized instruc-
16 tional support personnel, and other school district
17 personnel to support, develop, administer, and evalu-
18 ate high-quality kindergarten through grade 5 lit-
19 eracy initiatives.

20 “(4) Coordinating the involvement of early
21 childhood education program staff, principals, other
22 instructional leaders, teachers, teacher literacy
23 teams, English as a second language specialists (as
24 appropriate), special educators, and school librarians

1 in the literacy development of children served under
2 this subsection.

3 “(5) Engaging families and encouraging family
4 literacy experiences and practices to support literacy
5 development.

6 “(c) LOCAL USES OF FUNDS FOR GRADES 6
7 THROUGH 12.—An eligible entity that receives a subgrant
8 under this section shall use subgrant funds to carry out
9 the following activities pertaining to children in grades 6
10 through 12:

11 “(1) Developing and implementing a com-
12 prehensive literacy instruction plan described in sub-
13 section (b)(1) for children in grades 6 through 12.

14 “(2) Training principals, specialized instruction
15 support personnel, and other school district per-
16 sonnel to support, develop, administer, and evaluate
17 high-quality comprehensive literacy instruction ini-
18 tiatives for grades 6 through 12.

19 “(3) Assessing the quality of adolescent com-
20 prehensive literacy instruction in core academic sub-
21 jects, and career and technical education subjects
22 where such career and technical education subjects
23 provide for the integration of core academic subjects.

24 “(4) Providing time for teachers to meet to
25 plan research-based adolescent comprehensive lit-

1 eracy instruction in core academic subjects, and ca-
2 reer and technical education subjects where such ca-
3 reer and technical education subjects provide for the
4 integration of core academic subjects.

5 “(5) Coordinating the involvement of principals,
6 other instructional leaders, teachers, teacher literacy
7 teams, English as a second language specialists (as
8 appropriate), paraprofessionals, special educators,
9 and school librarians in the literacy development of
10 children served under this subsection.

11 “(d) ALLOWABLE USES.—An eligible entity that re-
12 ceives a subgrant under this section may, in addition to
13 carrying out the activities described in subsection (b) or
14 (c), use subgrant funds to carry out the following activities
15 pertaining to children in kindergarten through grade 12:

16 “(1) Recruiting, placing, training, and compen-
17 sating literacy coaches.

18 “(2) Connecting out-of-school learning opportu-
19 nities to in-school learning in order to improve the
20 literacy achievement of the children.

21 “(3) Training families and caregivers to sup-
22 port the improvement of adolescent literacy.

23 “(4) Providing for a multitier system of sup-
24 port.

1 “(5) Forming a school literacy leadership team
2 to help implement, assess, and identify necessary
3 changes to the literacy initiatives in 1 or more
4 schools to ensure success.

5 “(6) Providing time for teachers (and other lit-
6 eracy staff, as appropriate, such as school librarians)
7 to meet to plan comprehensive literacy instruction.

8 **“SEC. 2405. NATIONAL EVALUATION AND INFORMATION**
9 **DISSEMINATION.**

10 “(a) NATIONAL EVALUATION.—From funds reserved
11 under section 2402(b)(1), the Director of the Institute of
12 Education Sciences shall conduct a national evaluation of
13 the grant and subgrant programs assisted under this part.
14 Such evaluation shall include evidence-based research that
15 applies rigorous and systematic procedures to obtain valid
16 knowledge relevant to the implementation and effect of the
17 programs and shall directly coordinate with individual
18 State evaluations of the programs’ implementation and
19 impact.

20 “(b) PROGRAM IMPROVEMENT.—The Secretary
21 shall—

22 “(1) provide the findings of the evaluation con-
23 ducted under this section to State educational agen-
24 cies and subgrant recipients for use in program im-
25 provement;

1 “(2) make such findings publicly available, in-
2 cluding on the websites of the Department and the
3 Institute of Education Sciences; and

4 “(3) submit such findings to the Committee on
5 Health, Education, Labor, and Pensions of the Sen-
6 ate and the Committee on Education and the Work-
7 force of the House of Representatives.

8 **“SEC. 2406. SUPPLEMENT, NOT SUPPLANT.**

9 “Grant funds provided under this part shall be used
10 to supplement, and not supplant, other Federal or State
11 funds available to carry out activities described in this
12 part.”.

13 **SEC. 2005. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**
14 **ING, AND MATHEMATICS INSTRUCTION AND**
15 **STUDENT ACHIEVEMENT.**

16 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
17 tions 2001 through 2004, is further amended by adding
18 at the end the following:

19 **“PART E—IMPROVING SCIENCE, TECHNOLOGY,**
20 **ENGINEERING, AND MATHEMATICS IN-**
21 **STRUCTION AND STUDENT ACHIEVEMENT**

22 **“SEC. 2501. PURPOSE.**

23 “The purpose of this part is to improve student aca-
24 demic achievement in science, technology, engineering, and
25 mathematics, including computer science, by—

1 “(1) improving instruction in such subjects
2 through grade 12;

3 “(2) improving student engagement in, and in-
4 creasing student access to, such subjects;

5 “(3) improving the quality and effectiveness of
6 classroom instruction by recruiting, training, and
7 supporting highly rated teachers and providing ro-
8 bust tools and supports for students and teachers in
9 such subjects; and

10 “(4) closing student achievement gaps, and pre-
11 paring more students to be college and career ready,
12 in such subjects.

13 **“SEC. 2502. DEFINITIONS.**

14 “In this part:

15 “(1) ELIGIBLE SUBGRANTEE.—The term ‘eligi-
16 ble subgrantee’ means—

17 “(A) a high-need local educational agency;

18 “(B) an educational service agency serving
19 more than 1 high-need local educational agency;

20 “(C) a consortium of high-need local edu-
21 cational agencies; or

22 “(D) an entity described in subparagraph
23 (A) or (C) of paragraph (2) that has signed a
24 memorandum of agreement with an entity de-
25 scribed in subparagraph (A), (B), or (C) of this

1 paragraph to implement the requirements of
2 this part in partnership with such entity.

3 “(2) OUTSIDE PARTNER.—The term ‘outside
4 partner’ means an entity that has expertise and a
5 demonstrated record of success in improving student
6 learning and engagement in the identified subjects
7 described in section 2504(b)(2), including any of the
8 following:

9 “(A) A nonprofit or community-based or-
10 ganization, which may include a cultural organi-
11 zation, such as a museum or learning center.

12 “(B) A business.

13 “(C) An institution of higher education.

14 “(D) An educational service agency.

15 “(3) STEM MASTER TEACHER CORPS.—The
16 term ‘STEM master teacher corps’ means a State-
17 led effort to elevate the status of the science, tech-
18 nology, engineering, and mathematics teaching pro-
19 fession by recognizing, rewarding, attracting, and re-
20 taining outstanding science, technology, engineering,
21 and mathematic teachers, particularly in high-need
22 and rural schools, by offering such teachers addi-
23 tional compensation, instructional resources, and in-
24 structional leadership roles.

1 **“SEC. 2503. GRANTS; ALLOTMENTS.**

2 “(a) IN GENERAL.—From amounts made available to
3 carry out this part for a fiscal year, the Secretary shall
4 award grants to State educational agencies, through allot-
5 ments described in subsection (b), to enable State edu-
6 cational agencies to carry out the activities described in
7 section 2505.

8 “(b) DISTRIBUTION OF FUNDS.—

9 “(1) IN GENERAL.—Subject to paragraph (2),
10 for each fiscal year, the Secretary shall allot to each
11 State—

12 “(A) an amount that bears the same rela-
13 tionship to 35 percent of the amount available
14 to carry out this part for such year, as the
15 number of individuals ages 5 through 17 in the
16 State, as determined by the Secretary on the
17 basis of the most recent satisfactory data, bears
18 to the number of those individuals in all such
19 States, as so determined; and

20 “(B) an amount that bears the same rela-
21 tionship to 65 percent of the amount available
22 to carry out this part for such year as the num-
23 ber of individuals ages 5 through 17 from fami-
24 lies with incomes below the poverty line in the
25 State, as determined by the Secretary on the
26 basis of the most recent satisfactory data, bears

1 to the number of those individuals in all such
2 States, as so determined.

3 “(2) FUNDING MINIMUM.—No State receiving
4 an allotment under this subsection may receive less
5 than one-half of 1 percent of the total amount allot-
6 ted under paragraph (1) for a fiscal year.

7 “(c) REALLOTMENT OF UNUSED FUNDS.—If a State
8 does not successfully apply for an allotment under this
9 part, the Secretary shall reallocate the amount of the State’s
10 allotment to the remaining States in accordance with this
11 section.

12 **“SEC. 2504. APPLICATIONS.**

13 “(a) IN GENERAL.—Each State desiring an allotment
14 under section 2503(b) shall submit an application to the
15 Secretary at such time, in such manner, and accompanied
16 by such information as the Secretary may require.

17 “(b) CONTENTS.—At a minimum, an application sub-
18 mitted under subsection (a) shall include the following:

19 “(1) A description of the needs, including as-
20 sets, identified by the State educational agency
21 based on a State analysis, which shall include—

22 “(A) an analysis of science, technology, en-
23 gineering, and mathematics education quality
24 and outcomes in the State, which may include
25 results from a pre-existing analysis;

1 “(B) labor market information regarding
2 the industry and business workforce needs with-
3 in the State; and

4 “(C) an analysis of the quality of pre-serv-
5 ice preparation at all public institutions of high-
6 er education (including alternative pathways to
7 teacher licensure or certification) for individuals
8 preparing to teach science, technology, engi-
9 neering, and mathematics subjects in the State.

10 “(2) An identification of the specific subjects
11 that the State educational agency will address
12 through the activities described in section 2505, con-
13 sistent with the needs identified under paragraph (1)
14 (referred to in this part as ‘identified subjects’).

15 “(3) A description, in a manner that addresses
16 any needs identified under paragraph (1), of—

17 “(A) how grant funds will be used by the
18 State educational agency to improve instruction
19 in the identified subjects;

20 “(B) the process that the State educational
21 agency will use for awarding subgrants, includ-
22 ing how relevant stakeholders will be involved;

23 “(C) how the State’s proposed project will
24 ensure an increase in access for students who
25 are members of groups underrepresented in

1 science, technology, engineering, and mathe-
2 matics subject fields to high-quality courses in
3 1 or more of the identified subjects; and

4 “(D) how the State educational agency will
5 continue to involve stakeholders in education re-
6 form efforts related to science, technology, engi-
7 neering, and mathematics instruction.

8 **“SEC. 2505. AUTHORIZED ACTIVITIES.**

9 “(a) **REQUIRED ACTIVITIES.**—Each State edu-
10 cational agency that receives an allotment under this part
11 shall use the grant funds reserved under subsection (d)(2)
12 to carry out each of the following activities:

13 “(1) Increasing access for students through
14 grade 12 who are members of groups underrep-
15 resented in science, technology, engineering, and
16 mathematics subject fields to high-quality courses in
17 the identified subjects.

18 “(2) Implementing evidence-based programs of
19 instruction based on high-quality standards and as-
20 sessments in the identified subjects.

21 “(3) Providing professional development and
22 other comprehensive systems of support for teachers
23 and school leaders to promote high-quality instruc-
24 tion and instructional leadership in the identified
25 subjects.

1 “(b) PERMISSIBLE ACTIVITIES.—Each State edu-
2 cational agency that receives an allotment under this part
3 may use the grant funds reserved under subsection (d)(2)
4 to carry out 1 or more of the following activities:

5 “(1) Recruiting qualified teachers and instruc-
6 tional leaders who are trained in identified subjects,
7 including teachers who have transitioned into the
8 teaching profession from a careers in the science,
9 technology, engineering, and mathematics fields.

10 “(2) Providing induction and mentoring serv-
11 ices to new teachers in identified subjects.

12 “(3) Developing instructional supports for iden-
13 tified subjects, such as curricula and assessments,
14 which shall be evidence-based and aligned with chal-
15 lenging State academic standards under section
16 1111(b)(1).

17 “(4) Supporting the development of a State-
18 wide STEM master teacher corps.

19 “(c) SUBGRANTS.—

20 “(1) IN GENERAL.—Each State educational
21 agency that receives a grant under this part shall
22 use the amounts not reserved under subsection (d)
23 to award subgrants, on a competitive basis, to eligi-
24 ble subgrantees to enable the eligible subgrantees to
25 carry out the activities described in paragraph (4).

1 “(2) MINIMUM SUBGRANT.—A State edu-
2 cational agency shall award subgrants under this
3 subsection that are of sufficient size and scope to
4 support high-quality, evidence-based, effective pro-
5 grams that are consistent with the purpose of this
6 part.

7 “(3) SUBGRANTEE APPLICATION.—

8 “(A) IN GENERAL.—Each eligible sub-
9 grantee desiring a subgrant under this sub-
10 section shall submit an application to the State
11 educational agency at such time, in such man-
12 ner, and accompanied by such information as
13 the State educational agency may require.

14 “(B) CONTENTS OF SUBGRANTEE APPLI-
15 CATION.—At a minimum, the application de-
16 scribed in subparagraph (A) shall include the
17 following:

18 “(i) A description of the activities that
19 the eligible subgrantee will carry out, and
20 how such activities will improve teaching
21 and student academic achievement in the
22 State’s identified subjects, in a manner
23 consistent with scientifically valid research.

24 “(ii) A description of how the eligible
25 subgrantee will use funds provided under

1 this subsection to serve students and
2 teachers in high-need schools.

3 “(iii) A description of how funds pro-
4 vided under this subsection will be coordi-
5 nated with other Federal, State, and local
6 programs and activities, including career
7 and technical education programs author-
8 ized under the Carl D. Perkins Career and
9 Technical Education Act of 2006.

10 “(iv) If the eligible subgrantee is
11 working with outside partners, a descrip-
12 tion of how such outside partners will be
13 involved in improving instruction and in-
14 creasing access to high-quality learning ex-
15 periences in the State’s identified subjects.

16 “(4) SUBGRANTEE USE OF FUNDS.—

17 “(A) REQUIRED USE OF FUNDS.—Each
18 subgrantee under this subsection shall use the
19 subgrant funds to carry out activities for stu-
20 dents through grade 12, as described in the
21 subgrantee’s application, which shall include—

22 “(i) high-quality teacher and instruc-
23 tional leader recruitment, support, and
24 evaluation in the State’s identified sub-
25 jects;

1 “(ii) professional development, which
2 may include development and support for
3 instructional coaches, to enable teachers
4 and instructional leaders to increase stu-
5 dent achievement in identified subjects;

6 “(iii) activities to—

7 “(I) improve the content knowl-
8 edge of teachers in the State’s identi-
9 fied subjects;

10 “(II) facilitate professional col-
11 laboration, which may include pro-
12 viding time for such collaborations;
13 and

14 “(III) improve the integration of
15 informal and after school programs
16 that target the identified subjects,
17 with classroom instruction; and

18 “(iv) the development, adoption, and
19 improvement of high-quality curricula and
20 instructional supports that—

21 “(I) are aligned with the chal-
22 lenging State academic standards
23 under section 1111(b)(1); and

1 “(II) the eligible subgrantee will
2 use to improve student academic
3 achievement in the identified subjects.

4 “(B) ALLOWABLE USE OF FUNDS.—In ad-
5 dition to the required activities described in
6 subparagraph (A), each eligible subgrantee that
7 receives a subgrant under this subsection may
8 also use the subgrant funds to—

9 “(i) support the participation of low-
10 income students in nonprofit competitions
11 related to science, technology, engineering,
12 and mathematics subjects (such as robot-
13 ics, science research, invention, mathe-
14 matics, computer science, and technology
15 competitions);

16 “(ii) broaden secondary school stu-
17 dents’ access to, and interest in, careers
18 that require academic preparation in 1 or
19 more identified subjects; and

20 “(iii) broaden secondary school stu-
21 dents’ access to early college high schools,
22 dual enrollment, or concurrent enrollment
23 courses in science, technology, engineering,
24 and mathematics subjects, including pro-

1 viding professional development to teachers
2 and leaders related to this work.

3 “(C) MATCHING FUNDS.—A State may re-
4 quire an eligible subgrantee receiving a
5 subgrant under this subsection to demonstrate
6 that such subgrantee has obtained a commit-
7 ment from 1 or more outside partners to match,
8 using non-Federal funds, a portion of the
9 amount of subgrant funds, in an amount deter-
10 mined by the State.

11 “(d) STATE ACTIVITIES.—

12 “(1) IN GENERAL.—Each State educational
13 agency that receives an allotment under this part
14 may use not more than 5 percent of grant funds
15 for—

16 “(A) administrative costs;

17 “(B) monitoring the implementation of
18 subgrants;

19 “(C) providing technical assistance to eligi-
20 ble subgrantees; and

21 “(D) evaluating subgrants in coordination
22 with the evaluation described in section
23 2506(c).

24 “(2) RESERVATION.—Each State educational
25 agency that receives an allotment under this part

1 shall reserve not less than 15 and not more than 20
2 percent of grant funds, inclusive of the amount de-
3 scribed in paragraph (1), for additional State activi-
4 ties, consistent with subsections (a) and (b).

5 **“SEC. 2506. PERFORMANCE METRICS; REPORT; EVALUA-**
6 **TION.**

7 “(a) ESTABLISHMENT OF PERFORMANCE
8 METRICS.—The Secretary, acting through the Director of
9 the Institute of Education Sciences, shall establish per-
10 formance metrics to evaluate the effectiveness of the ac-
11 tivities carried out under this part.

12 “(b) ANNUAL REPORT.—Each State educational
13 agency that receives an allotment under this part shall
14 prepare and submit an annual report to the Secretary,
15 which shall include information relevant to the perform-
16 ance metrics described in subsection (a).

17 “(c) EVALUATION.—The Secretary shall—

18 “(1) acting through the Director of the Insti-
19 tute of Education Sciences, and in consultation with
20 the Director of the National Science Foundation—

21 “(A) evaluate the implementation and im-
22 pact of the activities supported under this part,
23 including progress measured by the metrics es-
24 tablished under subsection (a);

1 “(B) identify best practices to improve in-
2 struction in science, technology, engineering,
3 and mathematics subjects; and

4 “(C) ensure that the Department is taking
5 appropriate action to avoid unnecessary dupli-
6 cation of efforts between the activities being
7 supported under this part and other pro-
8 grammatic activities supported by the Depart-
9 ment or by other Federal agencies; and

10 “(2) disseminate, in consultation with the Na-
11 tional Science Foundation, research on best prac-
12 tices to improve instruction in science, technology,
13 engineering, and mathematics subjects.

14 **“SEC. 2507. SUPPLEMENT NOT SUPPLANT.**

15 “Funds received under this part shall be used to sup-
16 plement, and not supplant, funds that would otherwise be
17 used for activities authorized under this part.”.

18 **SEC. 2006. GENERAL PROVISIONS.**

19 Title II (20 U.S.C. 6601 et seq.), as amended by sec-
20 tions 2001 through 2005, is further amended by adding
21 at the end the following:

22 **“PART F—GENERAL PROVISIONS**

23 **“SEC. 2601. RULES OF CONSTRUCTION.**

24 “(a) PROHIBITION AGAINST FEDERAL MANDATES,
25 DIRECTION, OR CONTROL.—Nothing in this title shall be

1 construed to authorize the Secretary or any other officer
2 or employee of the Federal Government to mandate, di-
3 rect, or control a State, local educational agency, or
4 school's—

5 “(1) instructional content or materials, cur-
6 riculum, program of instruction, academic stand-
7 ards, or academic assessments;

8 “(2) teacher, principal, or other school leader
9 evaluation system;

10 “(3) specific definition of teacher, principal, or
11 other school leader effectiveness; or

12 “(4) teacher, principal, or other school leader
13 professional standards, certification, or licensing.

14 “(b) SCHOOL OR DISTRICT EMPLOYEES.—Nothing in
15 this title shall be construed to alter or otherwise affect
16 the rights, remedies, and procedures afforded school or
17 school district employees under Federal, State, or local
18 laws (including applicable regulations or court orders) or
19 under the terms of collective bargaining agreements,
20 memoranda of understanding, or other agreements be-
21 tween such employees and their employers.”.

1 **TITLE III—LANGUAGE INSTRU-**
2 **CTION FOR ENGLISH LEARN-**
3 **ERS AND IMMIGRANT STU-**
4 **DENTS**

5 **SEC. 3001. GENERAL PROVISIONS.**

6 Title III (20 U.S.C. 6801 et seq.) is amended—

7 (1) in the title heading, by striking “**LIM-**
8 **ITED ENGLISH PROFICIENT**” and inserting
9 “**ENGLISH LEARNERS**”;

10 (2) in part A—

11 (A) by striking section 3122; and

12 (B) redesignating sections 3123, 3124,
13 3125, 3126, 3127, 3128, and 3129 as sections
14 3122, 3123, 3124, 3125, 3126, 3127, and
15 3128, respectively;

16 (3) by striking part B;

17 (4) by redesignating part C as part B; and

18 (5) in part B, as redesignated by paragraph
19 (4)—

20 (A) by redesignating section 3301 as sec-
21 tion 3201;

22 (B) by striking section 3302; and

23 (C) by redesignating sections 3303 and
24 3304 as sections 3202 and 3203, respectively.

1 **SEC. 3002. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 3001 (20 U.S.C. 6801) is amended to read
3 as follows:

4 **“SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out
6 this title such sums as may be necessary for each of fiscal
7 years 2016 through 2021.”.

8 **SEC. 3003. ENGLISH LANGUAGE ACQUISITION, LANGUAGE**
9 **ENHANCEMENT, AND ACADEMIC ACHIEVE-**
10 **MENT.**

11 Part A of title III (20 U.S.C. 6811 et seq.) is amend-
12 ed—

13 (1) in section 3102, by striking paragraphs (1)
14 through (9) and inserting the following:

15 “(1) to help ensure that English learners, in-
16 cluding immigrant children and youth, attain
17 English proficiency, and develop high levels of aca-
18 demic achievement in English;

19 “(2) to assist all English learners, including im-
20 migrant children and youth, to achieve at high levels
21 in academic subjects so that children who are
22 English learners can meet the same challenging
23 State academic standards that all children are ex-
24 pected to meet, consistent with section 1111(b)(1);

25 “(3) to assist early childhood educators, teach-
26 ers, principals and other school leaders, State edu-

1 cational agencies, and local educational agencies in
2 establishing, implementing, and sustaining effective
3 language instruction educational programs designed
4 to assist in teaching English learners, including im-
5 migrant children and youth;

6 “(4) to assist early childhood educators, teach-
7 ers, principals and other school leaders, State edu-
8 cational agencies, and local educational agencies to
9 develop and enhance their capacity to provide effec-
10 tive instruction programs designed to prepare
11 English learners, including immigrant children and
12 youth, to enter all English instruction settings;

13 “(5) to promote parental, family, and commu-
14 nity participation in language instruction edu-
15 cational programs for the parents, families, and
16 communities of English learners; and

17 “(6) to provide incentives to grantees to imple-
18 ment policies and practices that will lead to signifi-
19 cant improvements in the instruction and achieve-
20 ment of English learners.”;

21 (2) in section 3111—

22 (A) in subsection (b)—

23 (i) in paragraph (2), by striking sub-
24 paragraphs (A) through (D) and inserting
25 the following:

1 “(A) Establishing and implementing, with
2 timely and meaningful consultation with local
3 educational agencies representing the geo-
4 graphic diversity of the State, standardized
5 statewide entrance and exit procedures, includ-
6 ing a requirement that all students who may be
7 English learners are assessed for such status
8 within 30 days of enrollment in a school in the
9 State.

10 “(B) Providing effective teacher and prin-
11 cipal preparation, professional development ac-
12 tivities, and other evidence-based activities re-
13 lated to the education of English learners,
14 which may include assisting teachers, prin-
15 cipals, and other educators in—

16 “(i) meeting State and local certifi-
17 cation and licensing requirements for
18 teaching English learners; and

19 “(ii) improving teaching skills in
20 meeting the diverse needs of English learn-
21 ers, including how to implement effective
22 programs and curricula on teaching
23 English learners.

1 “(C) Planning, evaluation, administration,
2 and interagency coordination related to the sub-
3 grants referred to in paragraph (1).

4 “(D) Providing technical assistance and
5 other forms of assistance to eligible entities that
6 are receiving subgrants from a State edu-
7 cational agency under this subpart, including
8 assistance in—

9 “(i) identifying and implementing ef-
10 fective language instruction educational
11 programs and curricula for teaching
12 English learners, including those in early
13 childhood settings;

14 “(ii) helping English learners meet
15 the same State academic standards that all
16 children are expected to meet;

17 “(iii) identifying or developing, and
18 implementing, measures of English pro-
19 ficiency; and

20 “(iv) strengthening and increasing
21 parent, family, and community engagement
22 in programs that serve English learners.

23 “(E) Providing recognition, which may in-
24 clude providing financial awards, to recipients
25 of subgrants under section 3115 that have sig-

1 significantly improved the achievement and
2 progress of English learners in meeting—

3 “(i) annual timelines and goals for
4 progress established under section
5 1111(c)(1)(K) based on the State’s
6 English language proficiency assessment
7 under section 1111(b)(2)(G); and

8 “(ii) the challenging State academic
9 standards described in section
10 1111(b)(1).”; and

11 (ii) in paragraph (3)—

12 (I) in the heading, by inserting
13 “DIRECT” before “ADMINISTRATIVE”;
14 and

15 (II) by inserting “direct” before
16 “administrative costs”; and

17 (B) in subsection (c)—

18 (i) in paragraph (1)—

19 (I) in the matter preceding sub-
20 paragraph (A), by striking “section
21 3001(a)” and inserting “section
22 3001”;

23 (II) in subparagraph (B), by in-
24 serting “and” after the semicolon;

25 (III) in subparagraph (C)—

1 (aa) by striking “3303”
2 both places it appears and insert-
3 ing “3202”;

4 (bb) by striking “not more
5 than 0.5 percent of such amount
6 shall be reserved for evaluation
7 activities conducted by the Sec-
8 retary and”; and

9 (cc) by striking “; and” and
10 inserting a period; and

11 (IV) by striking subparagraph
12 (D);

13 (ii) by striking paragraphs (2) and
14 (4);

15 (iii) by redesignating paragraph (3) as
16 paragraph (2);

17 (iv) in paragraph (2)(A), as redesign-
18 nated by clause (iii)—

19 (I) in the matter preceding clause
20 (i), by striking “section 3001(a)” and
21 inserting “section 3001”; and

22 (II) in clause (i), by striking
23 “limited English proficient” and all
24 that follows through “States;” and in-
25 serting “English learners in the State

1 bears to the number of English learn-
2 ers in all States, as determined by the
3 Secretary under paragraph (3);” and
4 (v) by adding at the end the following:

5 “(3) USE OF DATA FOR DETERMINATIONS.—In
6 making State allotments under paragraph (2)(A) for
7 each fiscal year, the Secretary shall—

8 “(A) determine the number of English
9 learners in a State and in all States, using the
10 most accurate, up-to-date data, which shall
11 be—

12 “(i) data available from the American
13 Community Survey conducted by the De-
14 partment of Commerce, which may be
15 multiyear estimates;

16 “(ii) the number of students being as-
17 sessed for English language proficiency,
18 based on the State’s English language pro-
19 ficiency assessment under section
20 1111(b)(2)(G), which may be multiyear es-
21 timates; or

22 “(iii) a combination of data available
23 under clauses (i) and (ii); and

24 “(B) determine the number of immigrant
25 children and youth in the State and in all

1 States based only on data available from the
2 American Community Survey conducted by the
3 Department of Commerce, which may be
4 multiyear estimates.”;

5 (3) in section 3113—

6 (A) in subsection (a), by inserting “reason-
7 ably” before “require”;

8 (B) in subsection (b)—

9 (i) in paragraph (1), by striking
10 “making” and inserting “awarding”; and

11 (ii) by striking paragraphs (2)
12 through (6) and inserting the following:

13 “(2) describe how the agency will establish and
14 implement, with timely and meaningful consultation
15 with local educational agencies representing the geo-
16 graphic diversity of the State, standardized, state-
17 wide entrance and exit procedures, including an as-
18 surance that all students who may be English learn-
19 ers are assessed for such status within 30 days of
20 enrollment in a school in the State;

21 “(3) provide an assurance that—

22 “(A) the agency will ensure that eligible
23 entities receiving a subgrant under this subpart
24 comply with the requirement in section
25 1111(b)(2)(B)(ix) to annually assess in English

1 all English learners who have been in the
2 United States for 3 or more years;

3 “(B) the agency will ensure that eligible
4 entities receiving a subgrant under this subpart
5 annually assess the English proficiency of all
6 English learners participating in a program
7 funded under this subpart, consistent with sec-
8 tion 1111(b)(2)(G);

9 “(C) in awarding subgrants under section
10 3114, the agency will address the needs of
11 school systems of all sizes and in all geographic
12 areas, including school systems with rural and
13 urban schools;

14 “(D) subgrants to eligible entities under
15 section 3114(d)(1) will be of sufficient size and
16 scope to allow such entities to carry out effec-
17 tive language instruction educational programs
18 for English learners;

19 “(E) the agency will require an eligible en-
20 tity receiving a subgrant under this subpart to
21 use the subgrant in ways that will build such
22 recipient’s capacity to continue to offer effective
23 language instruction educational programs that
24 assist English learners in meeting challenging

1 State academic standards described in section
2 1111(b)(1);

3 “(F) the agency will monitor each eligible
4 entity receiving a subgrant under this subpart
5 for compliance with applicable Federal fiscal re-
6 quirements; and

7 “(G) the plan has been developed in con-
8 sultation with local educational agencies, teach-
9 ers, administrators of programs implemented
10 under this subpart, parents of English learners,
11 and other relevant stakeholders;

12 “(4) describe how the agency will coordinate its
13 programs and activities under this subpart with
14 other programs and activities under this Act and
15 other Acts, as appropriate;

16 “(5) describe how each eligible entity will be
17 given the flexibility to teach English learners—

18 “(A) using a high quality, effective lan-
19 guage instruction curriculum for teaching
20 English learners; and

21 “(B) in the manner the eligible entities de-
22 termine to be the most effective;

23 “(6) describe how the agency will assist eligible
24 entities in meeting—

1 “(A) annual timelines and goals for
2 progress established under section
3 1111(c)(1)(K) based on the State’s English lan-
4 guage proficiency assessment under section
5 1111(b)(2)(G); and

6 “(B) the challenging State academic stand-
7 ards described in section 1111(b)(1);

8 “(7) describe how the agency will assist eligible
9 entities in decreasing the number of English learners
10 who have not yet acquired English proficiency within
11 5 years of their initial classification as an English
12 learner;

13 “(8) describe how the agency will ensure that
14 the unique needs of the State’s population of
15 English learners and immigrant children and youth
16 are being addressed; and

17 “(9) describe how the agency will monitor and
18 evaluate the progress of each eligible entity receiving
19 funds under this part toward meeting the timelines
20 and goals for English proficiency required under sec-
21 tion 1111(c)(1)(K) and the steps the State will take
22 to further assist eligible entities if such strategies
23 funded under this part are not effective in making
24 such progress and meeting academic goals estab-
25 lished under section 1111(b)(3)(B)(i) for English

1 learners, such as providing technical assistance and
 2 modifying such strategies.”;

3 (C) in subsection (d)(2)(B), by striking
 4 “part” and inserting “subpart”; and

5 (D) in subsection (f), by striking “, objec-
 6 tives,”;

7 (4) in section 3114—

8 (A) in subsection (a)—

9 (i) by striking “section 3111(c)(3)”
 10 and inserting “section 3111(c)(2)”; and

11 (ii) by striking “limited English pro-
 12 ficient children” both places the term ap-
 13 pears and inserting “English learners”;
 14 and

15 (B) in subsection (d)(1)—

16 (i) by striking “section 3111(c)(3)”
 17 and inserting “section 3111(c)(2)”; and

18 (ii) by striking “preceding the fiscal
 19 year”;

20 (5) by striking section 3115 and inserting the
 21 following:

22 **“SEC. 3115. SUBGRANTS TO ELIGIBLE ENTITIES.**

23 “(a) PURPOSES OF SUBGRANTS.—A State edu-
 24 cational agency may make a subgrant to an eligible entity
 25 from funds received by the agency under this subpart only

1 if the entity agrees to expend the funds to improve the
2 education of English learners by assisting the children to
3 learn English and meet the challenging State academic
4 standards described in section 1111(b)(1). In carrying out
5 activities with such funds, the eligible entity shall use ef-
6 fective approaches and methodologies for teaching English
7 learners and immigrant children and youth for the fol-
8 lowing purposes:

9 “(1) Developing and implementing new lan-
10 guage instruction educational programs and aca-
11 demic content instruction programs for English
12 learners and immigrant children and youth, includ-
13 ing early childhood education programs, elementary
14 school programs, and secondary school programs.

15 “(2) Carrying out highly focused, innovative, lo-
16 cally designed activities to expand or enhance exist-
17 ing language instruction educational programs and
18 academic content instruction programs for English
19 learners and immigrant children and youth.

20 “(3) Implementing, within an individual school,
21 schoolwide programs for restructuring, reforming,
22 and upgrading all relevant programs, activities, and
23 operations relating to language instruction edu-
24 cational programs and academic content instruction

1 for English learners and immigrant children and
2 youth.

3 “(4) Implementing, within the entire jurisdic-
4 tion of a local educational agency, agency-wide pro-
5 grams for restructuring, reforming, and upgrading
6 all relevant programs, activities, and operations re-
7 lating to language instruction educational programs
8 and academic content instruction for English learn-
9 ers and immigrant children and youth.

10 “(b) DIRECT ADMINISTRATIVE EXPENSES.—Each el-
11 igible entity receiving funds under section 3114(a) for a
12 fiscal year may use not more than 2 percent of such funds
13 for the cost of administering this subpart.

14 “(c) REQUIRED SUBGRANTEE ACTIVITIES.—An eligi-
15 ble entity receiving funds under section 3114(a) shall use
16 the funds—

17 “(1) to increase the English language pro-
18 ficiency of English learners by providing effective
19 language instruction educational programs that meet
20 the needs of English learners and are based on high-
21 quality research demonstrating success in increas-
22 ing—

23 “(A) English language proficiency; and

24 “(B) student academic achievement;

1 “(2) to provide effective professional develop-
2 ment to classroom teachers (including teachers in
3 classroom settings that are not the settings of lan-
4 guage instruction educational programs), principals,
5 other school leaders, administrators, and other
6 school or community-based organizational personnel,
7 that is—

8 “(A) designed to improve the instruction
9 and assessment of English learners;

10 “(B) designed to enhance the ability of
11 such teachers, principals, and other school lead-
12 ers to understand and implement appropriate
13 curricula, assessment practices, and instruction
14 strategies for English learners;

15 “(C) effective in increasing children’s
16 English language proficiency or substantially
17 increasing the subject matter knowledge, teach-
18 ing knowledge, and teaching skills of such
19 teachers; and

20 “(D) of sufficient intensity and duration
21 (which shall not include activities such as 1-day
22 or short-term workshops and conferences) to
23 have a positive and lasting impact on the teach-
24 ers’ performance in the classroom, except that
25 this subparagraph shall not apply to an activity

1 that is one component of a long-term, com-
2 prehensive professional development plan estab-
3 lished by a teacher and the teacher’s supervisor
4 based on an assessment of the needs of the
5 teacher, the supervisor, the students of the
6 teacher, and any local educational agency em-
7 ploying the teacher, as appropriate; and

8 “(3) to provide and implement effective parent,
9 family, and community engagement activities in
10 order to enhance or supplement language instruction
11 educational programs for English Learners.

12 “(d) AUTHORIZED SUBGRANTEE ACTIVITIES.—Sub-
13 ject to subsection (c), an eligible entity receiving funds
14 under section 3114(a) may use the funds to achieve 1 of
15 the purposes described in subsection (a) by undertaking
16 1 or more of the following activities:

17 “(1) Upgrading program objectives and effec-
18 tive instruction strategies.

19 “(2) Improving the instruction program for
20 English learners by identifying, acquiring, and up-
21 grading curricula, instruction materials, educational
22 software, and assessment procedures.

23 “(3) Providing to English learners—

24 “(A) tutorials and academic or career and
25 technical education; and

1 “(B) intensified instruction.

2 “(4) Developing and implementing effective pre-
3 school, elementary school, or secondary school lan-
4 guage instruction educational programs that are co-
5 ordinated with other relevant programs and services.

6 “(5) Improving the English language pro-
7 ficiency and academic achievement of English learn-
8 ers.

9 “(6) Providing community participation pro-
10 grams, family literacy services, and parent and fam-
11 ily outreach and training activities to English learn-
12 ers and their families—

13 “(A) to improve the English language
14 skills of English learners; and

15 “(B) to assist parents and families in help-
16 ing their children to improve their academic
17 achievement and becoming active participants
18 in the education of their children.

19 “(7) Improving the instruction of English learn-
20 ers, including English learners with a disability, by
21 providing for—

22 “(A) the acquisition or development of
23 educational technology or instructional mate-
24 rials;

1 “(B) access to, and participation in, elec-
2 tronic networks for materials, training, and
3 communication; and

4 “(C) incorporation of the resources de-
5 scribed in subparagraphs (A) and (B) into cur-
6 ricula and programs, such as those funded
7 under this subpart.

8 “(8) Carrying out other activities that are con-
9 sistent with the purposes of this section.

10 “(e) ACTIVITIES BY AGENCIES EXPERIENCING SUB-
11 STANTIAL INCREASES IN IMMIGRANT CHILDREN AND
12 YOUTH.—

13 “(1) IN GENERAL.—An eligible entity receiving
14 funds under section 3114(d)(1) shall use the funds
15 to pay for activities that provide enhanced instruc-
16 tional opportunities for immigrant children and
17 youth, which may include—

18 “(A) family literacy, parent and family
19 outreach, and training activities designed to as-
20 sist parents and families to become active par-
21 ticipants in the education of their children;

22 “(B) recruitment of, and support for per-
23 sonnel, including early childhood educators,
24 teachers, paraprofessionals who have been spe-

1 cifically trained, or are being trained, to provide
2 services to immigrant children and youth;

3 “(C) provision of tutorials, mentoring, and
4 academic or career counseling for immigrant
5 children and youth;

6 “(D) identification and acquisition of cur-
7 ricular materials, educational software, and
8 technologies to be used in the program carried
9 out with funds;

10 “(E) basic instruction services that are di-
11 rectly attributable to the presence of immigrant
12 children and youth in the local educational
13 agency involved, including the payment of costs
14 of providing additional classroom supplies, costs
15 of transportation, or such other costs as are di-
16 rectly attributable to such additional basic in-
17 struction services;

18 “(F) other instruction services that are de-
19 signed to assist immigrant children and youth
20 to achieve in elementary schools and secondary
21 schools in the United States, such as programs
22 of introduction to the educational system and
23 civics education; and

24 “(G) activities, coordinated with commu-
25 nity-based organizations, institutions of higher

1 education, private sector entities, or other enti-
2 ties with expertise in working with immigrants,
3 to assist parents and families of immigrant chil-
4 dren and youth by offering comprehensive com-
5 munity services.

6 “(2) DURATION OF SUBGRANTS.—The duration
7 of a subgrant made by a State educational agency
8 under section 3114(d)(1) shall be determined by the
9 agency in its discretion.

10 “(f) SELECTION OF METHOD OF INSTRUCTION.—

11 “(1) IN GENERAL.—To receive a subgrant from
12 a State educational agency under this subpart, an el-
13 igible entity shall select one or more methods or
14 forms of effective instruction to be used in the pro-
15 grams and activities undertaken by the entity to as-
16 sist English learners to attain English language pro-
17 ficiency and meet challenging State academic stand-
18 ards described in section 1111(b)(1).

19 “(2) CONSISTENCY.—Such selection shall be
20 consistent with sections 3124 through 3126.

21 “(g) SUPPLEMENT, NOT SUPPLANT.—Federal funds
22 made available under this subpart shall be used so as to
23 supplement the level of Federal, State, and local public
24 funds that, in the absence of such availability, would have
25 been expended for programs for English learners and im-

1 migrant children and youth and in no case to supplant
2 such Federal, State, and local public funds.”;

3 (6) in section 3116—

4 (A) in subsection (b), by striking para-
5 graphs (1) through (6) and inserting the fol-
6 lowing:

7 “(1) describe the high-quality programs and ac-
8 tivities proposed to be developed, implemented, and
9 administered under the subgrant and how these ac-
10 tivities will help English learners increase their
11 English language proficiency and meet the chal-
12 lenging State academic standards described in sec-
13 tion 1111(b)(1);

14 “(2) describe how the eligible entity will ensure
15 elementary schools and secondary schools receiving
16 funds under this subpart assist English learners in
17 meeting—

18 “(A) annual timelines and goals for
19 progress established under 1111(c)(1)(K) based
20 on the State’s English language proficiency as-
21 sessment under section 1111(b)(2)(G); and

22 “(B) the challenging State academic stand-
23 ards described in section 1111(b)(1);

1 “(3) describe how the eligible entity will pro-
2 mote parent, family, and community engagement in
3 the education of English learners;

4 “(4) describe how language instruction edu-
5 cational programs carried out under the subgrant
6 will ensure that English learners being served by the
7 programs develop English proficiency and dem-
8 onstrate such proficiency through academic content
9 mastery;

10 “(5) contain assurances that—

11 “(A) each local educational agency that is
12 included in the eligible entity is complying with
13 section 1112(d)(2) prior to, and throughout,
14 each school year as of the date of application,
15 and will continue to comply with such section
16 throughout each school year for which the grant
17 is received;

18 “(B) the eligible entity complies with any
19 State law, including State constitutional law,
20 regarding the education of English learners,
21 consistent with sections 3125 and 3126;

22 “(C) the eligible entity has based its pro-
23 posed plan on high-quality research on teaching
24 English learners;

1 “(D) the eligible entity consulted with
2 teachers, researchers, school administrators,
3 parents and family members, community mem-
4 bers, public or private entities, and institutions
5 of higher education, in developing and imple-
6 menting such plan; and

7 “(E) the eligible entity will, if applicable,
8 coordinate activities and share relevant data
9 under the plan with local Head Start and Early
10 Head Start agencies, including migrant and
11 seasonal Head Start agencies, and other early
12 childhood education providers.”;

13 (B) in subsection (c), by striking “limited
14 English proficient children” and inserting
15 “English learners”; and

16 (C) by striking subsection (d);

17 (7) by striking section 3121 and inserting the
18 following:

19 **“SEC. 3121. REPORTING.**

20 “(a) IN GENERAL.—Each eligible entity that receives
21 a subgrant from a State educational agency under subpart
22 1 shall provide such agency, at the conclusion of every sec-
23 ond fiscal year during which the subgrant is received, with
24 a report, in a form prescribed by the agency, on the activi-

1 ties conducted and children served under such subpart
2 that includes—

3 “(1) a description of the programs and activi-
4 ties conducted by the entity with funds received
5 under subpart 1 during the 2 immediately preceding
6 fiscal years;

7 “(2) the number and percentage of English
8 learners in the programs and activities who meet the
9 annual State-determined goals for progress estab-
10 lished under section 1111(c)(1)(K), including
11 disaggregated, at a minimum, by—

12 “(A) long-term English learners; and

13 “(B) English learners with a disability;

14 “(3) the number and percentage of English
15 learners in the programs and activities attaining
16 English language proficiency based on State English
17 language proficiency standards established under
18 section 1111(b)(1)(F) by the end of each school
19 year, as determined by the State’s English language
20 proficiency assessment under section 1111(b)(2)(G);

21 “(4) the number and percentage of English
22 learners who exit the language instruction edu-
23 cational programs based on their attainment of
24 English language proficiency;

1 “(5) the number and percentage of English
2 learners meeting challenging State academic stand-
3 ards described in section 1111(b)(1) for each of the
4 2 years after such children are no longer receiving
5 services under this part, including disaggregated, at
6 a minimum, by—

7 “(A) long-term English learners; and

8 “(B) English learners with a disability;

9 “(6) the number and percentage of English
10 learners who have not attained English language
11 proficiency within 5 years of initial classification as
12 an English learner; and

13 “(7) any other information as the State edu-
14 cational agency may require.

15 “(b) REPORT.—A report provided by an eligible enti-
16 ty under subsection (a) shall be used by the entity and
17 the State educational agency for improvement or pro-
18 grams and activities under this part.

19 “(c) SPECIAL RULE FOR SPECIALLY QUALIFIED
20 AGENCIES.—Each specially qualified agency receiving a
21 grant under this part shall provide the reports described
22 in subsection (a) to the Secretary subject to the same re-
23 quirements as apply to eligible entities providing such
24 evaluations to State educational agencies under such sub-
25 section.”;

1 (8) in section 3122, as redesignated by section
2 3001(2)—

3 (A) in subsection (a)—

4 (i) by striking “evaluations” and in-
5 sserting “reports”; and

6 (ii) by striking “children who are lim-
7 ited English proficient” and inserting
8 “English learners”; and

9 (B) in subsection (b)—

10 (i) in paragraph (1)—

11 (I) by striking “limited English
12 proficient children” and inserting
13 “English learners”; and

14 (II) by striking “children who are
15 limited English proficient” and insert-
16 ing “English learners”;

17 (ii) in paragraph (4), by striking “sec-
18 tion 3111(b)(2)(C)” and inserting “section
19 3111(b)(2)(D)”;

20 (iii) in paragraph (6), by striking
21 “major findings of scientifically based re-
22 search carried out under this part” and in-
23 sserting “findings of the evaluation related
24 to English learners carried out under sec-
25 tion 9601”;

1 (iv) in paragraph (8)—

2 (I) by striking “of limited
3 English proficient children” and in-
4 serting “of English learners”; and

5 (II) by striking “into classrooms
6 where instruction is not tailored for
7 limited English proficient children”;
8 and

9 (v) in paragraph (9), by striking
10 “title” and inserting “part”;

11 (9) in section 3123, as redesignated by section
12 3001(2)—

13 (A) by striking “children of limited
14 English proficiency” and inserting “English
15 learners”; and

16 (B) by striking “limited English proficient
17 children” and inserting “English learners”;

18 (10) in section 3124, as redesignated by section
19 3001(2)—

20 (A) in paragraph (1), by striking “limited
21 English proficient children” and inserting
22 “English learners”; and

23 (B) in paragraph (2), by striking “limited
24 English proficient children” and inserting
25 “English learners”;

1 (11) in section 3128, as redesignated by section
2 3001(2), by striking “limited English proficient chil-
3 dren” and inserting “English learners”;

4 (12) by striking section 3131 and inserting the
5 following:

6 **“SEC. 3131. NATIONAL PROFESSIONAL DEVELOPMENT**
7 **PROJECT.**

8 “The Secretary shall use funds made available under
9 section 3111(e)(1)(C) to award grants on a competitive
10 basis, for a period of not more than 5 years, to institutions
11 of higher education or public or private entities with rel-
12 evant experience and capacity (in consortia with State
13 educational agencies or local educational agencies) to pro-
14 vide for professional development, capacity building, or
15 evidence-based activities that will improve classroom in-
16 struction for English learners and assist educational per-
17 sonnel working with such children to meet high profes-
18 sional standards, including standards for certification and
19 licensure as teachers who work in language instruction
20 educational programs or serve English learners. Grants
21 awarded under this section may be used—

22 “(1) for preservice or inservice effective profes-
23 sional development programs that will assist local
24 schools and may assist institutions of higher edu-
25 cation to upgrade the qualifications and skills of

1 educational personnel who are not certified or li-
2 censed, especially educational paraprofessionals, and
3 for other activities to increase teacher and school
4 leader effectiveness;

5 “(2) for the development of curricula or other
6 instructional strategies appropriate to the needs of
7 the consortia participants involved;

8 “(3) to support strategies that strengthen and
9 increase parent, family, and community member en-
10 gagement in the education of English learners;

11 “(4) to develop, share, and disseminate effective
12 practices in the instruction of English learners and
13 in increasing the student academic achievement of
14 English learners, such as through the use of tech-
15 nology-based programs;

16 “(5) in conjunction with other Federal need-
17 based student financial assistance programs, for fi-
18 nancial assistance, and costs related to tuition, fees,
19 and books for enrolling in courses required to com-
20 plete the degree involved, to meet certification or li-
21 censing requirements for teachers who work in lan-
22 guage instruction educational programs or serve
23 English learners; and

24 “(6) as appropriate, to support strategies that
25 promote school readiness of English learners and

1 their transition from early childhood education pro-
2 grams, such as Head Start or State-run preschool
3 programs to elementary school programs.”; and

4 (13) by striking section 3141 and inserting the
5 following:

6 **“SEC. 3141. DEFINITIONS.**

7 “In this part—

8 “(1) the term ‘eligible entity’ means—

9 “(A) one or more local educational agen-
10 cies; or

11 “(B) one or more local educational agen-
12 cies, in collaboration with an institution of high-
13 er education, educational service agency, com-
14 munity-based organization, or a State edu-
15 cational agency;

16 “(2) the term ‘English Learner with a dis-
17 ability’ means an English learner who is also a ‘child
18 with a disability,’ as that term is defined in section
19 602 of the Individuals with Disabilities Education
20 Act; and

21 “(3) the term ‘long-term English learner’
22 means an English learner who has attended schools
23 in the United States for not less than 5 years and
24 who has not yet been exited from English learner

1 status by the culmination of the fifth year of serv-
2 ices.”.

3 **SEC. 3004. OTHER PROVISIONS.**

4 Part B of title III, as redesignated by section
5 3001(4), is amended—

6 (1) in section 3201, as redesignated by section
7 3001(5)—

8 (A) in paragraph (5)—

9 (i) in subparagraph (A)—

10 (I) in clause (i), by striking “lim-
11 ited English proficient” and inserting
12 “English learner”; and

13 (II) in clause (ii), by inserting
14 “and” after the semicolon;

15 (ii) by striking subparagraph (B); and

16 (iii) by redesignating subparagraph
17 (C) as subparagraph (B); and

18 (B) in paragraph (8)(A), by striking “a
19 limited English proficient child” and inserting
20 “an English learner”;

21 (2) in section 3202, as redesignated by section
22 3001(5)—

23 (A) in the matter preceding paragraph (1),
24 by striking “limited English proficient children”
25 and inserting “English learners”; and

1 (B) in paragraph (4)—

2 (i) in subparagraph (A), by striking
3 “limited English proficient children” and
4 inserting “English learners, including
5 English learners with a disability, that in-
6 cludes information on best practices on in-
7 structing and serving English learners”;
8 and

9 (ii) in subparagraph (B), by striking
10 “limited English proficient children” and
11 inserting “English learners”; and

12 (3) in section 3203, as redesignated by section
13 3001(5)—

14 (A) by striking “limited English proficient
15 individuals” and inserting “English learners”;
16 and

17 (B) by striking “limited English proficient
18 children” and inserting “English learners”.

19 **TITLE IV—SAFE AND HEALTHY** 20 **STUDENTS**

21 **SEC. 4001. GENERAL PROVISIONS.**

22 Title IV (20 U.S.C. 7101 et seq.) is amended—

23 (1) by redesignating subpart 3 of part A as
24 subpart 5 of part F of title IX, as redesignated by
25 section 9106(1), and moving that subpart to follow

1 subpart 4 of part F of title IX, as redesignated by
2 sections 2001 and 9106(1);

3 (2) by redesignating section 4141 as section
4 9561;

5 (3) by redesignating section 4155 as section
6 9537 and moving that section so as to follow section
7 9536;

8 (4) by redesignating part C as subpart 6 of
9 part F of title IX, as redesignated by section
10 9106(1), and moving that subpart to follow subpart
11 5 of part F of title IX, as redesignated by section
12 9106(1) and paragraph (1);

13 (5) by redesignating sections 4301, 4302, 4303,
14 and 4304, as sections 9571, 9572, 9573, and 9574,
15 respectively; and

16 (6) by striking the title heading and inserting
17 the following:

18 **“TITLE IV—SAFE AND HEALTHY**
19 **STUDENTS”.**

20 **SEC. 4002. GRANTS TO STATES AND LOCAL EDUCATIONAL**
21 **AGENCIES.**

22 Part A of title IV (20 U.S.C. 7101 et seq.) is amend-
23 ed to read as follows:

1 **“PART A—GRANTS TO STATES AND LOCAL**
2 **EDUCATIONAL AGENCIES**

3 **“SEC. 4101. PURPOSE.**

4 “The purpose of this part is to improve students’
5 safety, health, well-being, and academic achievement dur-
6 ing and after the school day by—

7 “(1) increasing the capacity of local educational
8 agencies, schools, and local communities to improve
9 conditions for learning through the creation of safe,
10 healthy, supportive, and drug-free environments;

11 “(2) carrying out programs designed to improve
12 school safety and promote students’ physical and
13 mental health and well-being;

14 “(3) preventing and reducing substance use and
15 abuse, school violence, harassment, and bullying; and

16 “(4) strengthening parent and community en-
17 gagement to ensure a healthy, safe, and supportive
18 school environment.

19 **“SEC. 4102. DEFINITIONS.**

20 “In this part:

21 “(1) CONTROLLED SUBSTANCE.—The term
22 ‘controlled substance’ means a drug or other sub-
23 stance identified under Schedule I, II, III, IV, or V
24 in section 202(c) of the Controlled Substances Act
25 (21 U.S.C. 812(c)).

1 “(2) DRUG.—The term ‘drug’ includes con-
2 trolled substances, the illegal use of alcohol or to-
3 bacco, and the harmful, abusive, or addictive use of
4 substances, including inhalants and anabolic
5 steroids.

6 “(3) DRUG AND VIOLENCE PREVENTION.—The
7 term ‘drug and violence prevention’ means—

8 “(A) with respect to drugs, prevention,
9 early intervention, rehabilitation referral, or
10 education related to the illegal use of drugs;
11 and

12 “(B) with respect to violence, the pro-
13 motion of school safety, such that students and
14 school personnel are free from violent and dis-
15 ruptive acts, including sexual harassment and
16 abuse, and victimization associated with preju-
17 dice and intolerance, on school premises, going
18 to and from school, and at school-sponsored ac-
19 tivities, through the creation and maintenance
20 of a school environment that is free of weapons
21 and fosters individual responsibility and respect
22 for the rights of others.

23 “(4) SCHOOL-BASED MENTAL HEALTH SERV-
24 ICES PROVIDER.—The term ‘school-based mental
25 health services provider’ includes a State licensed or

1 State certified school counselor, school psychologist,
2 school social worker, or other State licensed or cer-
3 tified mental health professional qualified under
4 State law to provide such mental health services to
5 children and adolescents, including children in early
6 childhood education programs.

7 “(5) STATE.—The term ‘State’ means each of
8 the 50 States, the District of Columbia, and the
9 Commonwealth of Puerto Rico.

10 **“SEC. 4103. FORMULA GRANTS TO STATES.**

11 “(a) RESERVATIONS.—From the total amount appro-
12 priated under section 4108 for a fiscal year, the Secretary
13 shall reserve—

14 “(1) not more than 5 percent for national ac-
15 tivities, which the Secretary may carry out directly
16 or through grants, contracts, or agreements with
17 public or private entities or individuals, or other
18 Federal agencies, such as providing technical assist-
19 ance to States and local educational agencies car-
20 rying out activities under this part or conducting a
21 national evaluation;

22 “(2) one-half of 1 percent for allotments for the
23 United States Virgin Islands, Guam, American
24 Samoa, and the Commonwealth of the Northern
25 Mariana Islands, to be distributed among those out-

1 lying areas on the basis of their relative need, as de-
2 termined by the Secretary, in accordance with the
3 purpose of this part;

4 “(3) one-half of 1 percent for the Secretary of
5 the Interior for programs under this part in schools
6 operated or funded by the Bureau of Indian Edu-
7 cation; and

8 “(4) such funds as may be necessary for the
9 Project School Emergency Response to Violence pro-
10 gram (referred to as ‘Project SERV’), which is au-
11 thORIZED to provide education-related services to local
12 educational agencies and institutions of higher edu-
13 cation in which the learning environment has been
14 disrupted due to a violent or traumatic crisis, and
15 which funds shall remain available for obligation
16 until expended.

17 “(b) STATE ALLOTMENTS.—

18 “(1) ALLOTMENT.—

19 “(A) IN GENERAL.—In accordance with
20 subparagraph (B), the Secretary shall allot
21 among each of the States the total amount
22 made available to carry out this part for any
23 fiscal year and not reserved under subsection
24 (a).

1 “(B) DETERMINATION OF STATE ALLOT-
2 MENT AMOUNTS.—Subject to paragraph (2),
3 the Secretary shall allot the amount made avail-
4 able under subparagraph (A) for a fiscal year
5 among the States in proportion to the number
6 of individuals, aged 5 to 17, who reside within
7 the State and are from families with incomes
8 below the poverty line for the most recent fiscal
9 year for which satisfactory data are available,
10 compared to the number of such individuals
11 who reside in all such States for that fiscal
12 year.

13 “(2) SMALL STATE MINIMUM.—No State receiv-
14 ing an allotment under paragraph (1) shall receive
15 less than one-half of 1 percent of the total amount
16 allotted under such paragraph.

17 “(3) PUERTO RICO.—The amount allotted
18 under subparagraph (A) to the Commonwealth of
19 Puerto Rico for a fiscal year may not exceed one-
20 half of 1 percent of the total amount allotted under
21 such subparagraph.

22 “(4) REALLOTMENT.—If a State does not re-
23 ceive an allotment under this part for a fiscal year,
24 the Secretary shall reallocate the amount of the State’s

1 allotment to the remaining States in accordance with
2 this section.

3 “(c) STATE USE OF FUNDS.—

4 “(1) IN GENERAL.—Each State that receives an
5 allotment under this section shall reserve not less
6 than 95 percent of the amount allotted to such State
7 under subsection (b), for each fiscal year, for sub-
8 grants to local educational agencies, which may in-
9 clude consortia of such agencies, under section 4104.

10 “(2) STATE ADMINISTRATION.—A State edu-
11 cational agency shall use not more than 1 percent of
12 the amount made available to the State under sub-
13 section (b) for the administrative costs of carrying
14 out its responsibilities under this part.

15 “(3) STATE ACTIVITIES.—A State educational
16 agency shall use the amount made available to the
17 State under subsection (b) and not reserved under
18 paragraph (1) for activities and programs designed
19 to meet the purposes of this part, which—

20 “(A) shall include—

21 “(i) providing training, technical as-
22 sistance, and capacity building to local
23 educational agencies that are recipients of
24 a subgrant under section 4104, which may
25 include identifying and disseminating best

1 practices for professional development and
2 capacity building for teachers, administra-
3 tors, and specialized instructional support
4 personnel in schools that are served by
5 local educational agencies under this part;
6 and

7 “(ii) publicly reporting on how funds
8 made available under this part are being
9 expended by local educational agencies
10 under section 4104; and

11 “(B) may include—

12 “(i) identifying and eliminating State
13 barriers to the coordination and integra-
14 tion of programs, initiatives, and funding
15 streams that meet the purposes of this
16 part, so that local educational agencies can
17 better coordinate with other agencies,
18 schools and community-based services and
19 programs;

20 “(ii) assisting local educational agen-
21 cies to expand access to or coordination of
22 resources for school-based counseling and
23 mental health programs, such as through
24 school-based mental health services part-

1 nership programs described in section
2 4105(a)(4);

3 “(iii) supporting programs and activi-
4 ties that offer a variety of well-rounded
5 educational experiences to students;

6 “(iv) supporting activities that pro-
7 mote physical and mental health and well-
8 being for students and staff;

9 “(v) designing and implementing a
10 grant process for local entities that wish to
11 use funds to reduce exclusionary discipline
12 practices in elementary schools and sec-
13 ondary schools, in a manner consistent
14 with State or federally identified best prac-
15 tices on the subject; and

16 “(vi) other activities identified by the
17 State that meet the purposes of this part.

18 “(d) STATE PLAN.—

19 “(1) IN GENERAL.—In order to receive an allot-
20 ment under this section for any fiscal year, a State
21 shall submit a plan to the Secretary, at such time
22 and in such manner as the Secretary may reason-
23 ably require.

24 “(2) CONTENTS.—Each plan submitted by a
25 State under this section shall include the following:

1 “(A) A description of how the State edu-
2 cational agency will use funds received under
3 this part for State-level activities.

4 “(B) A description of program objectives
5 and outcomes for activities under this part.

6 “(C) An assurance that the State edu-
7 cational agency will review existing resources
8 and programs across the State and will coordi-
9 nate any new plans and resources under this
10 part with such existing programs and resources.

11 “(D) An assurance that the State edu-
12 cational agency will monitor the implementation
13 of activities under this part and provide tech-
14 nical assistance to local educational agencies in
15 carrying out such activities.

16 “(3) ANNUAL REPORT.—Each State receiving a
17 grant under this part shall annually prepare and
18 submit a report to the Secretary, which shall in-
19 clude—

20 “(A) how the State and local educational
21 agencies used funds provided under this part;
22 and

23 “(B) the degree to which the State and
24 local educational agencies have made progress
25 toward meeting the objectives and outcomes de-

1 “(3) ADMINISTRATIVE COSTS.—Of the amount
2 received under paragraph (2), a local educational
3 agency or consortium of such agencies may use not
4 more than 2 percent for the direct administrative
5 costs of carrying out its responsibilities under this
6 part.

7 “(b) LOCAL APPLICATIONS.—

8 “(1) IN GENERAL.—To be eligible to receive a
9 subgrant under this section, a local educational
10 agency or consortium of such agencies shall submit
11 an application to the State educational agency at
12 such time, in such manner, and containing such in-
13 formation as the State educational agency may rea-
14 sonably require.

15 “(2) CONSULTATION.—

16 “(A) IN GENERAL.—A local educational
17 agency or consortium of such agencies shall
18 conduct a needs assessment described in para-
19 graph (3), and develop its application, through
20 consultation with parents, teachers, principals,
21 school leaders, specialized instructional support
22 personnel, early childhood educators, students,
23 community-based organizations, local govern-
24 ment representatives, Indian tribes or tribal or-
25 ganizations (if applicable) that may be located

1 in the region served by the local educational
2 agency, and others with relevant and dem-
3 onstrated expertise in programs and activities
4 designed to meet the purpose of this part.

5 “(B) CONTINUED CONSULTATION.—On an
6 ongoing basis, the local educational agency or
7 consortium of such agencies shall consult with
8 the individuals and organizations described in
9 subparagraph (A) in order to seek advice re-
10 garding how best—

11 “(i) to improve the local activities in
12 order to meet the purpose of this part; and

13 “(ii) to coordinate such activities
14 under this part with other related strate-
15 gies, programs, and activities being con-
16 ducted in the community.

17 “(3) NEEDS ASSESSMENT.—

18 “(A) IN GENERAL.—To be eligible to re-
19 ceive a subgrant under this section, a local edu-
20 cational agency or consortium of such agencies
21 shall conduct a comprehensive needs assessment
22 of the local educational agency or agencies pro-
23 posed to be served and of all schools within the
24 jurisdiction of the local educational agency or
25 agencies proposed to be served.

1 “(B) REQUIREMENTS.—In conducting the
2 needs assessment required under subparagraph
3 (A), the local educational agency or consortium
4 of such agencies shall take into account—

5 “(i) applicable and available school-
6 level data on indicators or measures of
7 school quality, climate and safety, and dis-
8 cipline, including those described in section
9 1111(d)(1)(C)(v); and

10 “(ii) risk factors in the community,
11 school, family, or peer-individual domains
12 that are known, through prospective, longi-
13 tudinal research efforts, to be predictive of
14 drug use, violent behavior, harassment,
15 disciplinary issues, and having an effect on
16 the physical and mental health and well-
17 being of youth in the school and commu-
18 nity.

19 “(4) CONTENTS.—Each application submitted
20 under this subsection shall be based on the needs as-
21 sessment described in paragraph (3) and shall in-
22 clude the following:

23 “(A) The results of the needs assessment
24 described in paragraph (3) and an identification

1 of each school that will be served by a subgrant
2 under this section.

3 “(B) A description of the activities that
4 the local educational agency or consortium of
5 such agencies will carry out under this part and
6 how these activities are aligned with the results
7 of the needs assessment conducted under para-
8 graph (3).

9 “(C) A description of the performance in-
10 dicators that the local educational agency or
11 consortium of such agencies will use to evaluate
12 the effectiveness of the activities carried out
13 under this section.

14 “(D) An assurance that such activities will
15 comply with the principles of effectiveness de-
16 scribed in section 4105(b), and foster a healthy,
17 safe, and supportive school environment that
18 improves students’ safety, health, and well-
19 being during and after the school day.

20 “(E) An assurance that the local edu-
21 cational agency or consortium of such agencies
22 will prioritize the distribution of funds to
23 schools served by the local educational agency
24 or consortium of such agencies that—

1 “(i) are among the schools with the
2 greatest needs as identified through the
3 needs assessment conducted under para-
4 graph (3);

5 “(ii) have the highest percentages or
6 numbers of children counted under section
7 1124(c);

8 “(iii) are identified under section
9 1114(a)(1)(A); or

10 “(iv) are identified as a persistently
11 dangerous public elementary school or sec-
12 ondary school under section 9532.

13 “(F) An assurance that the local edu-
14 cational agency or consortium of such agencies
15 will comply with section 9501 (regarding equi-
16 table participation by private school children
17 and teachers).

18 **“SEC. 4105. LOCAL EDUCATIONAL AGENCY AUTHORIZED**
19 **ACTIVITIES.**

20 “(a) LOCAL EDUCATIONAL AGENCY ACTIVITIES.—A
21 local educational agency or consortium of such agencies
22 that receives a subgrant under section 4104 shall use the
23 subgrant funds to develop, implement, and evaluate com-
24 prehensive programs and activities, which are coordinated
25 with other schools and community-based services and pro-

1 grams and may be conducted in partnership with non-
2 profit organizations with a demonstrated track-record of
3 success in implementing activities, that are in accordance
4 with the purpose of this part and—

5 “(1) foster safe, healthy, supportive, and drug-
6 free environments that support student academic
7 achievement;

8 “(2) are consistent with the principles of effec-
9 tiveness described in subsection (b);

10 “(3) promote the involvement of parents in the
11 activity or program, as appropriate; and

12 “(4) may include, among other programs and
13 activities—

14 “(A) drug and violence prevention activi-
15 ties and programs, including professional devel-
16 opment and training for school and specialized
17 instructional support personnel and interested
18 community members in prevention, education,
19 early identification, and intervention mentoring,
20 and, where appropriate, rehabilitation referral,
21 as related to drug and violence prevention;

22 “(B) programs that support extended
23 learning opportunities, including before and
24 after school programs and activities, programs

1 during summer recess periods, and expanded
2 learning time;

3 “(C) in accordance with subsections (c)
4 and (d), school-based mental health services, in-
5 cluding early identification of mental-health
6 symptoms, drug use and violence, and appro-
7 priate referrals to direct individual or group
8 counseling services provided by qualified school
9 or community-based mental health services pro-
10 viders;

11 “(D) in accordance with subsections (c)
12 and (d), school-based mental health services
13 partnership programs that—

14 “(i) are conducted in partnership with
15 a public or private mental-health entity or
16 health care entity, which may also include
17 a child welfare agency, family-based mental
18 health entity, trauma network, or other
19 community-based entity; and

20 “(ii) provide comprehensive school-
21 based mental health services and supports
22 and staff development for school and com-
23 munity personnel working in the school
24 that are based on trauma-informed and
25 evidence practices, are coordinated (where

1 appropriate) with early intervening services
2 carried out under the Individuals with Dis-
3 abilities Education Act, are provided by
4 qualified mental and behavioral health pro-
5 fessionals who are certified or licensed by
6 the State involved and practicing within
7 their area of expertise, and may include—

8 “(I) the early identification of so-
9 cial, emotional, or behavioral prob-
10 lems, or substance use disorders, and
11 the provision of early intervening serv-
12 ices;

13 “(II) notwithstanding section
14 4107, the treatment or referral for
15 treatment of students with social,
16 emotional, or behavioral health prob-
17 lems, or substance use disorders;

18 “(III) the development and im-
19 plementation of programs to assist
20 children in dealing with trauma and
21 violence; and

22 “(IV) the development of mecha-
23 nisms, based on best practices, for
24 children to report incidents of violence

1 or plans by other children or adults to
2 commit violence;

3 “(E) emergency planning and intervention
4 services following traumatic crisis events;

5 “(F) programs that train school personnel
6 to identify warning signs of youth drug abuse
7 and suicide;

8 “(G) mentoring programs and activities for
9 children who are at risk of academic failure,
10 dropping out of school, or involvement in crimi-
11 nal or delinquent activities, drug use and abuse,
12 or who lack strong positive role models;

13 “(H) early childhood, elementary school,
14 and secondary school counseling programs, in-
15 cluding college and career guidance programs,
16 such as financial literacy and Federal financial
17 aid awareness efforts;

18 “(I) programs or activities that support a
19 healthy, active lifestyle, including nutritional
20 education and regular, structured physical edu-
21 cation programs for early childhood, elementary
22 school, and secondary school students;

23 “(J) implementation of schoolwide positive
24 behavioral interventions and supports, including
25 through coordination with similar activities car-

1 ried out under the Individuals with Disabilities
2 Education Act, in order to improve academic
3 outcomes for students and reduce the need for
4 suspensions, expulsions, and other actions that
5 remove students from instruction;

6 “(K) programs and activities that offer a
7 variety of well-rounded educational experience
8 for students, such as those that—

9 “(i) use music and the arts as tools to
10 promote constructive student engagement,
11 problem solving, and conflict resolution; or

12 “(ii) further students’ understanding
13 of and knowledge in computer science from
14 elementary school through secondary
15 school;

16 “(L) systems of high-capacity, integrated
17 student supports;

18 “(M) strategies that establish learning en-
19 vironments to further students’ academic and
20 nonacademic skills essential for school readiness
21 and academic success, such as by providing in-
22 tegrated systems of student and family supports
23 and building teacher, principal, and other
24 school leader capacity;

1 “(N) bullying and harassment prevention
2 programs or activities, including professional
3 development and training for school and spe-
4 cialized instructional support personnel in the
5 prevention, early identification, and early inter-
6 vention, as related to bullying and harassment;

7 “(O) programs or activities designed to in-
8 crease school safety and climate, including con-
9 flict resolution practices, crisis management
10 techniques, and other school-based violence pre-
11 vention strategies;

12 “(P) pay for success initiatives that
13 produce a measurable, clearly defined outcome
14 that results in social benefit and direct cost sav-
15 ings to the local, State, or Federal Government;
16 and

17 “(Q) other activities and programs identi-
18 fied as necessary by the local educational agen-
19 cy through the needs assessment conducted
20 under section 4104(b)(3) that will increase stu-
21 dent achievement and otherwise meet the pur-
22 pose of this part.

23 “(b) PRINCIPLES OF EFFECTIVENESS.—

24 “(1) IN GENERAL.—For a program or activity
25 developed or carried out under this part to meet the

1 principles of effectiveness, such program or activity
2 shall—

3 “(A) be based upon an assessment of ob-
4 jective data regarding the need for programs
5 and activities in the early childhood, elementary
6 school, secondary school, or community to be
7 served to—

8 “(i) improve school safety and pro-
9 mote students’ physical and mental health
10 and well-being, healthy eating and nutri-
11 tion, and physical fitness; and

12 “(ii) strengthen parent and commu-
13 nity engagement to ensure a healthy, safe,
14 and supportive school environment;

15 “(B) be based upon established State re-
16 quirements and evidence-based criteria aimed at
17 ensuring a healthy, safe, and supportive school
18 environment for students in the early childhood,
19 elementary school, secondary school, or commu-
20 nity that will be served by the program; and

21 “(C) include meaningful and ongoing con-
22 sultation with and input from teachers, prin-
23 cipals, school leaders, and parents in the devel-
24 opment of the application and administration of
25 the program or activity.

1 “(2) PERIODIC EVALUATION.—

2 “(A) IN GENERAL.—The program or activ-
3 ity shall undergo a periodic independent, third
4 party evaluation to assess the extent to which
5 the program or activity has helped the local
6 educational agency or school provide students
7 with a healthy, safe, and supportive school envi-
8 ronment that promotes school safety and stu-
9 dents’ physical and mental health and well-
10 being.

11 “(B) USE OF RESULTS.—The local edu-
12 cational agency or consortium of such agencies
13 shall ensure that the results of the periodic
14 evaluations described under subparagraph (A)
15 are—

16 “(i) used to refine, improve, and
17 strengthen the program or activity, and to
18 refine locally determined criteria described
19 under paragraph (1)(B); and

20 “(ii) made available to the public and
21 the State.

22 “(3) PROHIBITION.—Nothing in this subsection
23 shall be construed to authorize the Secretary or any
24 other officer or employee of the Federal Government
25 to mandate, direct, or control, the principles of effec-

1 tiveness developed or utilized by a local educational
2 agency under this subsection.

3 “(c) PARENTAL CONSENT.—

4 “(1) IN GENERAL.—Each local educational
5 agency receiving a subgrant under this part shall ob-
6 tain prior written, informed consent from the parent
7 of each child who is under 18 years of age to partici-
8 pate in any mental-health assessment service or
9 treatment that is funded under this part and con-
10 ducted in connection with an elementary school or
11 secondary school under this part.

12 “(2) EXCEPTION.—Notwithstanding paragraph
13 (1), the written, informed consent described in such
14 paragraph shall not be required in—

15 “(A) an emergency, where it is necessary
16 to protect the immediate health and safety of
17 the student, other students, or school personnel;
18 or

19 “(B) other instances where parental con-
20 sent cannot be reasonably obtained, as defined
21 by the Secretary.

22 “(d) PRIVACY.—Each local educational agency receiv-
23 ing a subgrant under this part shall ensure that student
24 mental health records are accorded the privacy protections
25 provided under section 444 of the General Education Pro-

1 visions Act (20 U.S.C. 1232g)(commonly referred to as
2 the ‘Family Educational Rights and Privacy Act of 1974’).

3 **“SEC. 4106. SUPPLEMENT, NOT SUPPLANT.**

4 “Funds made available under this part shall be used
5 to supplement, and not supplant, non-Federal funds that
6 would otherwise be used for activities authorized under
7 this part.

8 **“SEC. 4107. PROHIBITIONS.**

9 “(a) PROHIBITED USE OF FUNDS.—No funds under
10 this part may be used for—

11 “(1) construction; or

12 “(2) medical services or drug treatment or re-
13 habilitation, except for integrated student supports
14 or referral to treatment for impacted students,
15 which may include students who are victims of, or
16 witnesses to, crime or who illegally use drugs.

17 “(b) PROHIBITION ON MANDATORY MEDICATION.—

18 No child shall be required to obtain a prescription for a
19 substance covered by the Controlled Substances Act (21
20 U.S.C. 801 et seq.) as a condition of receiving an evalua-
21 tion, services, or attending a school receiving assistance
22 under this part.

1 **“SEC. 4108. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part such sums as may be necessary for each of fiscal
4 years 2016 through 2021.”.

5 **SEC. 4003. 21ST CENTURY COMMUNITY LEARNING CEN-**
6 **TERS.**

7 (a) PROGRAM AUTHORIZED.—Part B of title IV (20
8 U.S.C. 7171 et seq.) is amended to read as follows:

9 **“PART B—21ST CENTURY COMMUNITY LEARNING**
10 **CENTERS**

11 **“SEC. 4201. PURPOSE; DEFINITIONS.**

12 “(a) PURPOSE.—The purpose of this part is to pro-
13 vide opportunities for communities to establish or expand
14 activities in community learning centers that—

15 “(1) provide opportunities for academic enrich-
16 ment, including providing tutorial services to help
17 students, particularly students who attend low-per-
18 forming schools, to meet challenging State academic
19 standards described in section 1111(b)(1);

20 “(2) offer students a broad array of additional
21 services, programs, and activities, such as youth de-
22 velopment activities, service learning, nutrition and
23 health education, drug and violence prevention pro-
24 grams, counseling programs, art, music, physical fit-
25 ness and wellness programs, technology education
26 programs, financial literacy programs, math, science,

1 career and technical programs, internship or appren-
2 ticeship programs, and other ties to an in-demand
3 industry sector or occupation for high school stu-
4 dents that are designed to reinforce and complement
5 the regular academic program of participating stu-
6 dents; and

7 “(3) offer families of students served by com-
8 munity learning centers opportunities for active and
9 meaningful engagement in their children’s education,
10 including opportunities for literacy and related edu-
11 cational development.

12 “(b) DEFINITIONS.—In this part:

13 “(1) COMMUNITY LEARNING CENTER.—The
14 term ‘community learning center’ means an entity
15 that—

16 “(A) assists students to meet challenging
17 State academic standards described in section
18 1111(b)(1) by providing the students with aca-
19 demic enrichment activities and a broad array
20 of other activities (such as programs and activi-
21 ties described in subsection (a)(2)) during non-
22 school hours or periods when school is not in
23 session (such as before and after school or dur-
24 ing summer recess) that—

1 “(i) reinforce and complement the
2 regular academic programs of the schools
3 attended by the students served; and

4 “(ii) are targeted to the students’ aca-
5 demic needs and aligned with the instruc-
6 tion students receive during the school day;
7 and

8 “(B) offers families of students served by
9 such center opportunities for literacy, and re-
10 lated educational development and opportunities
11 for active and meaningful engagement in their
12 children’s education.

13 “(2) COVERED PROGRAM.—The term ‘covered
14 program’ means a program for which —

15 “(A) the Secretary made a grant under
16 part B of title IV (as such part was in effect
17 on the day before the date of enactment of the
18 Every Child Achieves Act of 2015); and

19 “(B) the grant period had not ended on
20 that date of enactment.

21 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means a local educational agency, community-
23 based organization, Indian tribe or tribal organiza-
24 tion (as such terms are defined in section 4 of the
25 Indian Self-Determination and Education Act (25

1 U.S.C. 450b)), another public or private entity, or a
2 consortium of 2 or more such agencies, organiza-
3 tions, or entities.

4 “(4) EXTERNAL ORGANIZATION.—The term ‘ex-
5 ternal organization’ means—

6 “(A) a nonprofit organization with a
7 record of success in running or working with
8 after school programs; or

9 “(B) in the case of a community where
10 there is no such organization, a nonprofit orga-
11 nization in the community that enters into a
12 formal agreement or partnership with an orga-
13 nization described in subparagraph (A) to re-
14 ceive mentoring and guidance.

15 “(5) RIGOROUS PEER-REVIEW PROCESS.—The
16 term ‘rigorous peer-review process’ means a process
17 by which—

18 “(A) employees of a State educational
19 agency who are familiar with the 21st century
20 community learning center program under this
21 part review all applications that the State re-
22 ceives for awards under this part for complete-
23 ness and applicant eligibility;

1 “(B) the State educational agency selects
2 peer reviewers for such applications, who
3 shall—

4 “(i) be selected for their expertise in
5 providing effective academic, enrichment,
6 youth development, and related services to
7 children; and

8 “(ii) not include any applicant, or rep-
9 resentative of an applicant, that has sub-
10 mitted an application under this part for
11 the current application period; and

12 “(C) the peer reviewers described in sub-
13 paragraph (B) review and rate the applications
14 to determine the extent to which the applica-
15 tions meet the requirements under sections
16 4204(b) and 4205.

17 “(6) STATE.—The term ‘State’ means each of
18 the 50 States, the District of Columbia, and the
19 Commonwealth of Puerto Rico.

20 **“SEC. 4202. ALLOTMENTS TO STATES.**

21 “(a) RESERVATION.—From the funds appropriated
22 under section 4206 for any fiscal year, the Secretary shall
23 reserve—

1 “(1) such amounts as may be necessary to
2 make continuation awards to grant recipients under
3 covered programs (under the terms of those grants);

4 “(2) not more than 1 percent for national ac-
5 tivities, which the Secretary may carry out directly
6 or through grants and contracts, such as providing
7 technical assistance to eligible entities carrying out
8 programs under this part or conducting a national
9 evaluation; and

10 “(3) not more than 1 percent for payments to
11 the outlying areas and the Bureau of Indian Affairs,
12 to be allotted in accordance with their respective
13 needs for assistance under this part, as determined
14 by the Secretary, to enable the outlying areas and
15 the Bureau to carry out the purpose of this part.

16 “(b) STATE ALLOTMENTS.—

17 “(1) DETERMINATION.—From the funds appro-
18 priated under section 4206 for any fiscal year and
19 remaining after the Secretary makes reservations
20 under subsection (a), the Secretary shall allot to
21 each State for the fiscal year an amount that bears
22 the same relationship to the remainder as the
23 amount the State received under subpart 2 of part
24 A of title I for the preceding fiscal year bears to the
25 amount all States received under that subpart for

1 the preceding fiscal year, except that no State shall
2 receive less than an amount equal to one-half of 1
3 percent of the total amount made available to all
4 States under this subsection.

5 “(2) REALLOTMENT OF UNUSED FUNDS.—If a
6 State does not receive an allotment under this part
7 for a fiscal year, the Secretary shall reallocate the
8 amount of the State’s allotment to the remaining
9 States in accordance with this part.

10 “(c) STATE USE OF FUNDS.—

11 “(1) IN GENERAL.—Each State that receives an
12 allotment under this part shall reserve not less than
13 93 percent of the amount allotted to such State
14 under subsection (b), for each fiscal year for awards
15 to eligible entities under section 4204.

16 “(2) STATE ADMINISTRATION.—A State edu-
17 cational agency may use not more than 2 percent of
18 the amount made available to the State under sub-
19 section (b) for—

20 “(A) the administrative costs of carrying
21 out its responsibilities under this part;

22 “(B) establishing and implementing a rig-
23 orous peer-review process for grant applications
24 described in section 4204(b) (including con-
25 sultation with the Governor and other State

1 agencies responsible for administering youth de-
2 velopment programs and adult learning activi-
3 ties); and

4 “(C) awarding of funds to eligible entities
5 (in consultation with the Governor and other
6 State agencies responsible for administering
7 youth development programs and adult learning
8 activities).

9 “(3) STATE ACTIVITIES.—A State educational
10 agency may use not more than 5 percent of the
11 amount made available to the State under subsection
12 (b) for the following activities:

13 “(A) Monitoring and evaluation of pro-
14 grams and activities assisted under this part.

15 “(B) Providing capacity building, training,
16 and technical assistance under this part.

17 “(C) Comprehensive evaluation (directly,
18 or through a grant or contract) of the effective-
19 ness of programs and activities assisted under
20 this part.

21 “(D) Providing training and technical as-
22 sistance to eligible entities who are applicants
23 for or recipients of awards under this part.

24 “(E) Ensuring that any eligible entity that
25 receives an award under this part from the

1 State aligns the activities provided by the pro-
2 gram with State academic standards.

3 “(F) Ensuring that any such eligible entity
4 identifies and partners with external organiza-
5 tions, if available, in the community.

6 “(G) Working with teachers, principals,
7 parents, the local workforce, the local commu-
8 nity, and other stakeholders to review and im-
9 prove State policies and practices to support the
10 implementation of effective programs under this
11 part.

12 “(H) Coordinating funds received under
13 this part with other Federal and State funds to
14 implement high-quality programs.

15 “(I) Providing a list of prescreened exter-
16 nal organizations, as described in section
17 4203(a)(11).

18 **“SEC. 4203. STATE APPLICATION.**

19 “(a) IN GENERAL.—In order to receive an allotment
20 under section 4202 for any fiscal year, a State shall sub-
21 mit to the Secretary, at such time as the Secretary may
22 require, an application that—

23 “(1) designates the State educational agency as
24 the agency responsible for the administration and
25 supervision of programs assisted under this part;

1 “(2) describes how the State educational agency
2 will use funds received under this part, including
3 funds reserved for State-level activities;

4 “(3) contains an assurance that the State edu-
5 cational agency—

6 “(A) will make awards under this part to
7 eligible entities that serve students who pri-
8 marily attend schools that have been identified
9 under section 1114(a)(1)(A) and other schools
10 determined by the local educational agency to
11 be in need of intervention and support and the
12 families of such students; and

13 “(B) will further give priority to eligible
14 entities that propose in the application to serve
15 students described in subclauses (I) and (II) of
16 section 4204(i)(1)(A)(i);

17 “(4) describes the procedures and criteria the
18 State educational agency will use for reviewing appli-
19 cations and awarding funds to eligible entities on a
20 competitive basis, which shall include procedures and
21 criteria that take into consideration the likelihood
22 that a proposed community learning center will help
23 participating students meet State and local content
24 and student academic achievement standards;

1 “(5) describes how the State educational agency
2 will ensure that awards made under this part are—

3 “(A) of sufficient size and scope to support
4 high-quality, effective programs that are con-
5 sistent with the purpose of this part; and

6 “(B) in amounts that are consistent with
7 section 4204(h);

8 “(6) describes the steps the State educational
9 agency will take to ensure that programs implement
10 effective strategies, including providing ongoing
11 technical assistance and training, evaluation, dis-
12 semination of promising practices, and coordination
13 of professional development for staff in specific con-
14 tent areas as well as youth development;

15 “(7) describes how programs under this part
16 will be coordinated with programs under this Act,
17 and other programs as appropriate;

18 “(8) contains an assurance that the State edu-
19 cational agency—

20 “(A) will make awards for programs for a
21 period of not less than 3 years and not more
22 than 5 years; and

23 “(B) will require each eligible entity seek-
24 ing such an award to submit a plan describing
25 how the activities to be funded through the

1 award will continue after funding under this
2 part ends;

3 “(9) contains an assurance that funds appro-
4 priated to carry out this part will be used to supple-
5 ment, and not supplant, other Federal, State, and
6 local public funds expended to provide programs and
7 activities authorized under this part and other simi-
8 lar programs;

9 “(10) contains an assurance that the State edu-
10 cational agency will require eligible entities to de-
11 scribe in their applications under section 4204(b)
12 how the transportation needs of participating stu-
13 dents will be addressed;

14 “(11) describes how the State will prescreen ex-
15 ternal organizations that could provide assistance in
16 carrying out the activities under this part, and de-
17 velop and make available to eligible entities a list of
18 external organizations that successfully completed
19 the prescreening process;

20 “(12) provides—

21 “(A) an assurance that the application was
22 developed in consultation and coordination with
23 appropriate State officials, including the chief
24 State school officer, and other State agencies
25 administering before and after school (or sum-

1 mer school) programs, the heads of the State
2 health and mental health agencies or their des-
3 ignees, statewide after school networks (where
4 applicable) and representatives of teachers, local
5 educational agencies, and community-based or-
6 ganizations; and

7 “(B) a description of any other representa-
8 tives of teachers, parents, students, or the busi-
9 ness community that the State has selected to
10 assist in the development of the application, if
11 applicable;

12 “(13) describes the results of the State’s needs
13 and resources assessment for before and after school
14 activities, which shall be based on the results of on-
15 going State evaluation activities;

16 “(14) describes how the State educational agen-
17 cy will evaluate the effectiveness of programs and
18 activities carried out under this part, which shall in-
19 clude, at a minimum—

20 “(A) a description of the performance indi-
21 cators and performance measures that will be
22 used to evaluate programs and activities with
23 emphasis on alignment with the regular aca-
24 demic program of the school and the academic

1 needs of participating students, including per-
2 formance indicators and measures that—

3 “(i) are able to track student success
4 and improvement over time;

5 “(ii) include State assessment results
6 and other indicators of student success and
7 improvement, such as improved attendance
8 during the school day, better classroom
9 grades, regular (or consistent) program at-
10 tendance, and on-time advancement to the
11 next grade level; and

12 “(iii) for high school students, may in-
13 clude indicators such as career com-
14 petencies, successful completion of intern-
15 ships or apprenticeships, or work-based
16 learning opportunities;

17 “(B) a description of how data collected
18 for the purposes of subparagraph (A) will be
19 collected; and

20 “(C) public dissemination of the evalua-
21 tions of programs and activities carried out
22 under this part; and

23 “(15) provides for timely public notice of intent
24 to file an application and an assurance that the ap-

1 plication will be available for public review after sub-
2 mission.

3 “(b) DEEMED APPROVAL.—An application submitted
4 by a State educational agency pursuant to subsection (a)
5 shall be deemed to be approved by the Secretary unless
6 the Secretary makes a written determination, prior to the
7 expiration of the 120-day period beginning on the date on
8 which the Secretary received the application, that the ap-
9 plication is not in compliance with this part.

10 “(c) DISAPPROVAL.—The Secretary shall not finally
11 disapprove the application, except after giving the State
12 educational agency notice and opportunity for a hearing.

13 “(d) NOTIFICATION.—If the Secretary finds that the
14 application is not in compliance, in whole or in part, with
15 this part, the Secretary shall—

16 “(1) give the State educational agency notice
17 and an opportunity for a hearing; and

18 “(2) notify the State educational agency of the
19 finding of noncompliance, and, in such notification,
20 shall—

21 “(A) cite the specific provisions in the ap-
22 plication that are not in compliance; and

23 “(B) request additional information, only
24 as to the noncompliant provisions, needed to
25 make the application compliant.

1 “(e) RESPONSE.—If the State educational agency re-
2 sponds to the Secretary’s notification described in sub-
3 section (d)(2) during the 45-day period beginning on the
4 date on which the agency received the notification, and
5 resubmits the application with the requested information
6 described in subsection (d)(2)(B), the Secretary shall ap-
7 prove or disapprove such application prior to the later of—

8 “(1) the expiration of the 45-day period begin-
9 ning on the date on which the application is resub-
10 mitted; or

11 “(2) the expiration of the 120-day period de-
12 scribed in subsection (b).

13 “(f) FAILURE TO RESPOND.—If the State edu-
14 cational agency does not respond to the Secretary’s notifi-
15 cation described in subsection (d)(2) during the 45-day pe-
16 riod beginning on the date on which the agency received
17 the notification, such application shall be deemed to be
18 disapproved.

19 “(g) LIMITATION.—The Secretary may not impose a
20 priority or preference for States or eligible entities that
21 seek to use funds made available under this part to extend
22 the regular school day.

23 **“SEC. 4204. LOCAL COMPETITIVE GRANT PROGRAM.**

24 “(a) IN GENERAL.—

1 “(1) COMMUNITY LEARNING CENTERS.—A
2 State that receives funds under this part for a fiscal
3 year shall provide the amount made available under
4 section 4202(c)(1) to eligible entities for community
5 learning centers in accordance with this part.

6 “(2) EXPANDED LEARNING PROGRAM ACTIVI-
7 TIES.—A State that receives funds under this part
8 for a fiscal year may also use funds under section
9 4202(c)(1) to support those enrichment and engag-
10 ing academic activities described in section 4205(a)
11 that—

12 “(A) are included as part of an expanded
13 learning program that provide students at least
14 300 additional program hours before, during, or
15 after the traditional school day;

16 “(B) supplement but do not supplant
17 school day requirements; and

18 “(C) are awarded to entities that meet the
19 requirements of subsection (i).

20 “(b) APPLICATION.—

21 “(1) IN GENERAL.—To be eligible to receive an
22 award under this part, an eligible entity shall submit
23 an application to the State educational agency at
24 such time, in such manner, and including such infor-

1 mation as the State educational agency may reason-
2 ably require.

3 “(2) CONTENTS.—Each application submitted
4 under paragraph (1) shall include—

5 “(A) a description of the activities to be
6 funded, including—

7 “(i) an assurance that the program
8 will take place in a safe and easily acces-
9 sible facility;

10 “(ii) a description of how students
11 participating in the program carried out by
12 the community learning center will travel
13 safely to and from the center and home, if
14 applicable; and

15 “(iii) a description of how the eligible
16 entity will disseminate information about
17 the community learning center (including
18 its location) to the community in a manner
19 that is understandable and accessible;

20 “(B) a description of how such activities
21 are expected to improve student academic
22 achievement as well as overall student success;

23 “(C) a demonstration of how the proposed
24 program will coordinate Federal, State, and

1 local programs and make the most effective use
2 of public resources;

3 “(D) an assurance that the proposed pro-
4 gram was developed, and will be carried out—

5 “(i) in active collaboration with the
6 schools the students attend (including
7 through the sharing of relevant student
8 data among the schools), all participants in
9 the eligible entity, and any partnership en-
10 tities described in subparagraph (H), while
11 complying with applicable laws relating to
12 privacy and confidentiality; and

13 “(ii) in alignment with State and local
14 content and student academic achievement
15 standards;

16 “(E) a description of how the activities will
17 meet the principles of effectiveness described in
18 section 4205(b);

19 “(F) an assurance that the program will
20 target students who primarily attend schools el-
21 igible for schoolwide programs under section
22 1114 and the families of such students;

23 “(G) an assurance that funds under this
24 part will be used to increase the level of State,
25 local, and other non-Federal funds that would,

1 in the absence of funds under this part, be
2 made available for programs and activities au-
3 thorized under this part, and in no case sup-
4 plant Federal, State, local, or non-Federal
5 funds;

6 “(H) a description of the partnership be-
7 tween a local educational agency, a community-
8 based organization, and another public entity or
9 private entity, if appropriate;

10 “(I) an evaluation of the community needs
11 and available resources for the community
12 learning center and a description of how the
13 program proposed to be carried out in the cen-
14 ter will address those needs (including the
15 needs of working families);

16 “(J) a demonstration that the eligible enti-
17 ty will use best practices, including research or
18 evidence-based practices, to provide educational
19 and related activities that will complement and
20 enhance academic performance, achievement,
21 postsecondary and workforce preparation, and
22 positive youth development of the students;

23 “(K) a description of a preliminary plan
24 for how the community learning center will con-
25 tinue after funding under this part ends;

1 “(L) an assurance that the community will
2 be given notice of an intent to submit an appli-
3 cation and that the application and any waiver
4 request will be available for public review after
5 submission of the application;

6 “(M) if the eligible entity plans to use vol-
7 unteers in activities carried out through the
8 community learning center, a description of how
9 the eligible entity will encourage and use appro-
10 priately qualified persons to serve as the volun-
11 teers; and

12 “(N) such other information and assur-
13 ances as the State educational agency may rea-
14 sonably require.

15 “(c) APPROVAL OF CERTAIN APPLICATIONS.—The
16 State educational agency may approve an application
17 under this part for a program to be located in a facility
18 other than an elementary school or secondary school only
19 if the program will be at least as available and accessible
20 to the students to be served as if the program were located
21 in an elementary school or secondary school.

22 “(d) PERMISSIVE LOCAL MATCH.—

23 “(1) IN GENERAL.—A State educational agency
24 may require an eligible entity to match funds award-
25 ed under this part, except that such match may not

1 exceed the amount of the grant award and may not
2 be derived from other Federal or State funds.

3 “(2) SLIDING SCALE.—The amount of a match
4 under paragraph (1) shall be established based on a
5 sliding fee scale that takes into account—

6 “(A) the relative poverty of the population
7 to be targeted by the eligible entity; and

8 “(B) the ability of the eligible entity to ob-
9 tain such matching funds.

10 “(3) IN-KIND CONTRIBUTIONS.—Each State
11 educational agency that requires an eligible entity to
12 match funds under this subsection shall permit the
13 eligible entity to provide all or any portion of such
14 match in the form of in-kind contributions.

15 “(4) CONSIDERATION.—Notwithstanding this
16 subsection, a State educational agency shall not con-
17 sider an eligible entity’s ability to match funds when
18 determining which eligible entities will receive
19 awards under this part.

20 “(e) PEER REVIEW.—In reviewing local applications
21 under this part, a State educational agency shall use a
22 rigorous peer-review process or other methods of assuring
23 the quality of such applications.

24 “(f) GEOGRAPHIC DIVERSITY.—To the extent prac-
25 ticable, a State educational agency shall distribute funds

1 under this part equitably among geographic areas within
2 the State, including urban and rural communities.

3 “(g) DURATION OF AWARDS.—Grants under this
4 part shall be awarded for a period of not less than 3 years
5 and not more than 5 years.

6 “(h) AMOUNT OF AWARDS.—A grant awarded under
7 this part may not be made in an amount that is less than
8 \$50,000.

9 “(i) PRIORITY.—

10 “(1) IN GENERAL.—In awarding grants under
11 this part, a State educational agency shall give pri-
12 ority to applications—

13 “(A) proposing to target services to—

14 “(i) students who primarily attend
15 schools that—

16 “(I) have been identified under
17 section 1114(a) and other schools de-
18 termined by the local educational
19 agency to be in need of intervention
20 and support to improve student aca-
21 demic achievement and other out-
22 comes; and

23 “(II) enroll students who may be
24 at risk for academic failure, dropping
25 out of school, involvement in criminal

1 or delinquent activities, or who lack
2 strong positive role models; and

3 “(ii) the families of students described
4 in clause (i);

5 “(B) submitted jointly by eligible entities
6 consisting of not less than 1—

7 “(i) local educational agency receiving
8 funds under part A of title I; and

9 “(ii) another eligible entity; and

10 “(C) demonstrating that the activities pro-
11 posed in the application—

12 “(i) are, as of the date of the submis-
13 sion of the application, not accessible to
14 students who would be served; or

15 “(ii) would expand accessibility to
16 high-quality services that may be available
17 in the community.

18 “(2) SPECIAL RULE.—The State educational
19 agency shall provide the same priority under para-
20 graph (1) to an application submitted by a local edu-
21 cational agency if the local educational agency dem-
22 onstrates that it is unable to partner with a commu-
23 nity-based organization in reasonable geographic
24 proximity and of sufficient quality to meet the re-
25 quirements of this part.

1 “(3) LIMITATION.—A State educational agency
2 may not impose a priority or preference for eligible
3 entities that seek to use funds made available under
4 this part to extend the regular school day.

5 “(j) RENEWABILITY OF AWARDS.—A State edu-
6 cational agency may renew a grant provided under this
7 part to an eligible entity, based on the eligible entity’s per-
8 formance during the original grant period.

9 **“SEC. 4205. LOCAL ACTIVITIES.**

10 “(a) AUTHORIZED ACTIVITIES.—Each eligible entity
11 that receives an award under section 4204 may use the
12 award funds to carry out a broad array of activities that
13 advance student academic achievement and support stu-
14 dent success, including—

15 “(1) academic enrichment learning programs,
16 mentoring programs, remedial education activities,
17 and tutoring services, that are aligned with—

18 “(A) State and local content and student
19 academic achievement standards; and

20 “(B) local curricula that are designed to
21 improve student academic achievement;

22 “(2) core academic subject education activities,
23 including such activities that enable students to be
24 eligible for credit recovery or attainment;

1 “(3) literacy education programs, including fi-
2 nancial literacy programs;

3 “(4) programs that support a healthy, active
4 lifestyle, including nutritional education and regular,
5 structured physical activity programs;

6 “(5) services for individuals with disabilities;

7 “(6) programs that provide after school activi-
8 ties for students who are English learners that em-
9 phasize language skills and academic achievement;

10 “(7) cultural programs;

11 “(8) telecommunications and technology edu-
12 cation programs;

13 “(9) expanded library service hours;

14 “(10) parenting skills programs that promote
15 parental involvement and family literacy;

16 “(11) programs that provide assistance to stu-
17 dents who have been truant, suspended, or expelled
18 to allow the students to improve their academic
19 achievement;

20 “(12) drug and violence prevention programs
21 and counseling programs;

22 “(13) programs that build skills in science,
23 technology, engineering and mathematics (referred
24 to in this paragraph as ‘STEM’) and that foster in-

1 novation in learning by supporting nontraditional
2 STEM education teaching methods; and

3 “(14) programs that partner with in-demand
4 fields of the local workforce or build career com-
5 petencies and career readiness and ensure that local
6 workforce and career readiness skills are aligned
7 with the Carl D. Perkins Career and Technical Edu-
8 cation Act of 2006 and the Workforce Innovation
9 and Opportunity Act.

10 “(b) MEASURES OF EFFECTIVENESS.—

11 “(1) IN GENERAL.—For a program or activity
12 developed pursuant to this part to meet the meas-
13 ures of effectiveness, monitored by the State edu-
14 cational agency as described in section 4203(a)(14),
15 such program or activity shall—

16 “(A) be based upon an assessment of ob-
17 jective data regarding the need for before and
18 after school programs (including during sum-
19 mer recess periods) and activities in the schools
20 and communities;

21 “(B) be based upon an established set of
22 performance measures aimed at ensuring the
23 availability of high quality academic enrichment
24 opportunities;

1 “(C) if appropriate, be based upon evi-
2 dence-based research that provides evidence
3 that the program or activity will help students
4 meet the State and local student academic
5 achievement standards;

6 “(D) ensure that measures of student suc-
7 cess align with the regular academic program of
8 the school and the academic needs of partici-
9 pating students and include performance indica-
10 tors and measures described in section
11 4203(a)(14)(A); and

12 “(E) collect the data necessary for the
13 measures of student success described in sub-
14 paragraph (D).

15 “(2) PERIODIC EVALUATION.—

16 “(A) IN GENERAL.—The program or activ-
17 ity shall undergo a periodic evaluation in con-
18 junction with the State educational agency’s
19 overall evaluation plan as described in section
20 4203(a)(14), to assess the program’s progress
21 toward achieving the goal of providing high
22 quality opportunities for academic enrichment
23 and overall student success.

24 “(B) USE OF RESULTS.—The results of
25 evaluations under subparagraph (A) shall be—

1 “(i) used to refine, improve, and
2 strengthen the program or activity, and to
3 refine the performance measures;

4 “(ii) made available to the public upon
5 request, with public notice of such avail-
6 ability provided; and

7 “(iii) used by the State to determine
8 whether a grant is eligible to be renewed
9 under section 4204(j).

10 **“SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this part such sums as may be necessary for each of fiscal
13 years 2016 through 2021.”.

14 (b) TRANSITION.—The recipient of a multiyear grant
15 award under part B of title IV of the Elementary and Sec-
16 ondary Education Act of 1965 (20 U.S.C. 7171 et seq.),
17 as such Act was in effect on the day before the date of
18 enactment of this Act, shall continue to receive funds in
19 accordance with the terms and conditions of such award.

20 **SEC. 4004. ELEMENTARY SCHOOL AND SECONDARY**
21 **SCHOOL COUNSELING PROGRAMS.**

22 Title IV (20 U.S.C. 7101 et seq.), as amended by
23 section 4001, is further amended by inserting after part
24 B the following:

1 **“PART C—ELEMENTARY SCHOOL AND**
2 **SECONDARY SCHOOL COUNSELING PROGRAMS**
3 **“SEC. 4301. ELEMENTARY SCHOOL AND SECONDARY**
4 **SCHOOL COUNSELING PROGRAMS.**

5 “(a) GRANTS AUTHORIZED.—

6 “(1) IN GENERAL.—The Secretary is authorized
7 to award grants to eligible entities to enable such
8 agencies to establish or expand elementary school
9 and secondary school counseling programs that com-
10 ply with the requirements of subsection (c).

11 “(2) SPECIAL CONSIDERATION.—In awarding
12 grants under this section, the Secretary shall—

13 “(A) give special consideration to applica-
14 tions describing programs that—

15 “(i) demonstrate the greatest need for
16 new or additional counseling services
17 among children in the schools served by
18 the eligible entity, in part by providing in-
19 formation on current ratios, as of the date
20 of application for a grant under this sec-
21 tion, of students to school counselors, stu-
22 dents to school social workers, and stu-
23 dents to school psychologists;

24 “(ii) propose promising and innovative
25 approaches for initiating or expanding
26 school counseling; and

1 “(iii) show strong potential for rep-
2 lication and dissemination; and

3 “(B) give priority to—

4 “(i) schools that serve students in
5 rural and remote areas;

6 “(ii) schools in need of improvement
7 and schools that are the persistently lowest
8 achieving schools; or

9 “(iii) schools with a high percentage
10 of students aged 5 through 17 who—

11 “(I) are in poverty, as counted in
12 the most recent census data approved
13 by the Secretary;

14 “(II) are eligible for a free or re-
15 duced priced lunch under the Richard
16 B. Russell National School Lunch Act
17 (42 U.S.C. 1751 et seq.);

18 “(III) are in families receiving
19 assistance under the State program
20 funded under part A of title IV of the
21 Social Security Act; or

22 “(IV) are eligible to receive med-
23 ical assistance under the Medicaid
24 program.

1 “(3) **EQUITABLE DISTRIBUTION.**—In awarding
2 grants under this section, the Secretary shall ensure
3 an equitable geographic distribution among the re-
4 gions of the United States and among eligible enti-
5 ties located in urban, rural, and suburban areas.

6 “(4) **DURATION.**—A grant under this section
7 shall be awarded for a period not to exceed 3 years.

8 “(5) **MAXIMUM GRANT.**—A grant awarded
9 under this section shall not exceed \$400,000 for any
10 fiscal year.

11 “(b) **APPLICATIONS.**—

12 “(1) **IN GENERAL.**—Each eligible entity desir-
13 ing a grant under this section shall submit an appli-
14 cation to the Secretary at such time, in such man-
15 ner, and accompanied by such information as the
16 Secretary may reasonably require.

17 “(2) **CONTENTS.**—Each application for a grant
18 under this section shall—

19 “(A) describe the school population to be
20 targeted by the program, the particular coun-
21 seling needs of such population, and the current
22 school counseling resources available for meet-
23 ing such needs;

24 “(B) include the information described in
25 subparagraphs (B) through (D) of section

1 4104(b)(4), with respect to the grant under this
2 part;

3 “(C) document that the eligible entity has
4 personnel qualified to develop, implement, and
5 administer the program; and

6 “(D) document how the eligible entity will
7 engage in meaning consultation with parents
8 and families in the development of such pro-
9 gram.

10 “(c) USE OF FUNDS.—Each eligible entity receiving
11 a grant under this part shall use grant funds to develop,
12 implement, and evaluate comprehensive, evidence-based,
13 school counseling programs through activities which incor-
14 porate evidence-based practices, such as—

15 “(1) the implementation of a comprehensive
16 school counseling program to meet the counseling
17 and educational needs of all students;

18 “(2) increasing the range, availability, quantity,
19 and quality of counseling services, provided by quali-
20 fied school counselors, school psychologists, school
21 social workers, and other qualified school-based men-
22 tal health service providers, in the elementary
23 schools and secondary schools of the eligible entity;

24 “(3) the implementation of innovative ap-
25 proaches to increase children’s understanding of

1 peer and family relationships, peer and family inter-
2 action, work and self, decisionmaking, or academic
3 and career planning;

4 “(4) the implementation of academic, postsec-
5 ondary education and career planning programs;

6 “(5) the initiation of partnerships with commu-
7 nity groups, social service agencies, or other public
8 or private non-profit entities in collaborative efforts
9 to enhance the program and promote school-linked
10 integration of services, as long as the eligible entity
11 documents how such partnership supplements, not
12 supplants, existing school-employed school-based
13 mental health service providers and services, in ac-
14 cordance with subsection (f);

15 “(6) the implementation of a team approach to
16 school counseling in the schools served by the eligible
17 entity by working toward ratios of school counselors,
18 school social workers, and school psychologists to
19 students recommended to enable such personnel to
20 effectively address the needs of students; and

21 “(7) any other activity determined necessary by
22 the eligible entity that meets the purpose of this part

23 “(d) LIMITATION ON ADMINISTRATIVE COSTS.—Not
24 more than 4 percent of the amounts made available under

1 this section for any fiscal year may be used for administra-
 2 tive costs to carry out this section.

3 “(e) REPORT.—Not later than 2 years after assist-
 4 ance is made available to eligible entities under subsection
 5 (a), the Secretary shall make publicly available a report—

6 “(1) evaluating the programs assisted pursuant
 7 to each grant under this section; and

8 “(2) outlining the information from eligible en-
 9 tities regarding the ratios of students to—

10 “(A) school counselors;

11 “(B) school social workers; and

12 “(C) school psychologists.

13 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made
 14 available under this section shall be used to supplement,
 15 and not supplant, other Federal, State, or local funds used
 16 for providing school-based counseling and mental health
 17 services to students.

18 “(g) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 20 tity’ means—

21 “(A) a local educational agency;

22 “(B) an educational service agency serving
 23 more than 1 local educational agency; or

24 “(C) a consortium of local educational
 25 agencies.

1 “(2) SCHOOL-BASED MENTAL HEALTH SERVICE
2 PROVIDER.—The term ‘school-based mental health
3 service provider’ has the meaning given the term in
4 section 4102.

5 “(3) SCHOOL COUNSELOR.—The term ‘school
6 counselor’ means an individual who meets the cri-
7 teria for licensure or certification as a school coun-
8 selor in the State where the individual is employed.

9 “(4) SCHOOL PSYCHOLOGIST.—The term
10 ‘school psychologist’ means an individual who is li-
11 censed or certified in school psychology by the State
12 in which the individual is employed.

13 “(5) SCHOOL SOCIAL WORKER.—The term
14 ‘school social worker’ means an individual who is li-
15 censed or certified as a school social worker for the
16 State in which the individual is employed.

17 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2016 through 2021.”.

21 **SEC. 4005. PHYSICAL EDUCATION PROGRAM.**

22 Title IV (20 U.S.C. 7101 et seq.), as amended by
23 sections 4001 and 4004, is further amended by adding
24 at the end the following:

1 **“PART D—PHYSICAL EDUCATION PROGRAM**

2 **“SEC. 4401. PURPOSE.**

3 “The purpose of this part is to award grants and con-
4 tracts to initiate, expand, and improve physical education
5 programs for all students in kindergarten through grade
6 12.

7 **“SEC. 4402. PROGRAM AUTHORIZED.**

8 “(a) AUTHORIZATION.—From amounts made avail-
9 able to carry out this part, the Secretary is authorized to
10 award grants or contracts to local educational agencies
11 and community-based organizations to pay the Federal
12 share of the costs of initiating, expanding, and improving
13 physical education programs (including after-school pro-
14 grams) for students in kindergarten through grade 12,
15 by—

16 “(1) providing materials and support to enable
17 students to participate actively in physical education
18 activities; and

19 “(2) providing funds for staff and teacher
20 training and education relating to physical edu-
21 cation.

22 “(b) PROGRAM ELEMENTS.—A physical education
23 program that receives assistance under this part may pro-
24 vide for 1 or more of the following:

1 “(1) Fitness education and assessment to help
2 students understand, improve, or maintain their
3 physical well-being.

4 “(2) Instruction in a variety of motor skills and
5 physical activities designed to enhance the physical,
6 mental, and social or emotional development of every
7 student.

8 “(3) Development of, and instruction in, cog-
9 nitive concepts about motor skill and physical fitness
10 that support a lifelong healthy lifestyle.

11 “(4) Opportunities to develop positive social
12 and cooperative skills through physical activity par-
13 ticipation.

14 “(5) Instruction in healthy eating habits and
15 good nutrition.

16 “(6) Opportunities for professional development
17 for teachers of physical education to stay abreast of
18 the latest research, issues, and trends in the field of
19 physical education.

20 “(c) SPECIAL RULE.—For purposes of this part, ex-
21 tracurricular activities, such as team sports and Reserve
22 Officers’ Training Corps program activities, shall not be
23 considered as part of the curriculum of a physical edu-
24 cation program assisted under this part.

1 **“SEC. 4403. APPLICATIONS.**

2 “(a) SUBMISSION.—Each local educational agency or
3 community-based organization desiring a grant or con-
4 tract under this part shall submit to the Secretary an ap-
5 plication that contains a plan to initiate, expand, or im-
6 prove physical education programs in order to make
7 progress toward meeting State standards for physical edu-
8 cation.

9 “(b) PRIVATE SCHOOL AND HOME-SCHOOLED STU-
10 DENTS.—An application for a grant or contract under this
11 part may provide for the participation, in the activities
12 funded under this part, of—

13 “(1) students enrolled in private nonprofit ele-
14 mentary schools or secondary schools, and their par-
15 ents and teachers; or

16 “(2) home-schooled students, and their parents
17 and teachers.

18 **“SEC. 4404. REQUIREMENTS.**

19 “(a) ANNUAL REPORT TO THE SECRETARY.—In
20 order to continue receiving funding after the first year of
21 a multiyear grant or contract under this part, the adminis-
22 trator of the grant or contract for the local educational
23 agency or community-based organization shall submit to
24 the Secretary an annual report that—

25 “(1) describes the activities conducted during
26 the preceding year; and

1 “(2) demonstrates that progress has been made
2 toward meeting State standards for physical edu-
3 cation.

4 “(b) ADMINISTRATIVE EXPENSES.—Not more than 5
5 percent of the funds made available under this part to a
6 local educational agency or community-based organization
7 for any fiscal year may be used for administrative ex-
8 penses.

9 **“SEC. 4405. ADMINISTRATIVE PROVISIONS.**

10 “(a) FEDERAL SHARE.—The Federal share under
11 this part may not exceed—

12 “(1) 90 percent of the total cost of a program
13 for the first year for which the program receives as-
14 sistance under this part; and

15 “(2) 75 percent of such cost for the second and
16 each subsequent such year.

17 “(b) PROPORTIONALITY.—To the extent practicable,
18 the Secretary shall ensure that grants awarded under this
19 part shall be equitably distributed among local educational
20 agencies, and community-based organizations, serving
21 urban and rural areas.

22 “(c) REPORT TO CONGRESS.—Not later than June
23 1, 2017, the Secretary shall submit a report to Congress
24 that—

1 “(1) describes the programs assisted under this
2 part;

3 “(2) documents the success of such programs in
4 improving physical fitness; and

5 “(3) makes such recommendations as the Sec-
6 retary determines appropriate for the continuation
7 and improvement of the programs assisted under
8 this part.

9 “(d) AVAILABILITY OF FUNDS.—Amounts made
10 available to the Secretary to carry out this part shall re-
11 main available until expended.

12 **“SEC. 4406. SUPPLEMENT, NOT SUPPLANT.**

13 “Funds made available under this part shall be used
14 to supplement, and not supplant, any other Federal, State,
15 or local funds available for physical education activities.

16 **“SEC. 4407. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out
18 this part such sums as may be necessary for each of fiscal
19 years 2016 through 2021.”.

20 **TITLE V—EMPOWERING PAR-**
21 **ENTS AND EXPANDING OP-**
22 **PORTUNITY THROUGH INNO-**
23 **VATION**

24 **SEC. 5001. GENERAL PROVISIONS.**

25 Title V (20 U.S.C. 7201 et seq.) is amended—

1 (1) by striking the title heading and inserting
2 **“EMPOWERING PARENTS AND EX-**
3 **PANDING OPPORTUNITY THROUGH IN-**
4 **NOVATION”**;

5 (2) by striking part A;

6 (3) by striking subparts 2 and 3 of part B;

7 (4) by striking part D;

8 (5) by redesignating parts B and C as parts A
9 and B, respectively;

10 (6) in part A, as redesignated by paragraph
11 (5), by striking **“Subpart 1—Charter School**
12 **Programs”**;

13 (7) by redesignating sections 5201 through
14 5211 as sections 5101 through 5111, respectively;

15 (8) by redesignating sections 5301 through
16 5307 as sections 5201 through 5207, respectively;

17 (9) by striking sections 5308 and 5310; and

18 (10) by redesignating sections 5309 and 5311
19 as sections 5208 and 5209, respectively.

20 **SEC. 5002. PUBLIC CHARTER SCHOOLS.**

21 Part A of title V (20 U.S.C. 7221 et seq.), as redesi-
22 gnated by section 5001(5), is amended—

23 (1) by striking sections 5101 through 5105, as
24 redesignated by section 5001(7), and inserting the
25 following:

1 **“SEC. 5101. PURPOSE.**

2 “It is the purpose of this part to—

3 “(1) provide financial assistance for the plan-
4 ning, program design, and initial implementation of
5 charter schools;

6 “(2) increase the number of high-quality char-
7 ter schools available to students across the United
8 States;

9 “(3) evaluate the impact of such schools on stu-
10 dent achievement, families, and communities, and
11 share best practices among charter schools and other
12 public schools;

13 “(4) encourage States to provide support to
14 charter schools for facilities financing in an amount
15 more nearly commensurate to the amount the States
16 have typically provided for traditional public schools;

17 “(5) expand opportunities for children with dis-
18 abilities, students who are English learners, and
19 other traditionally underserved students to attend
20 charter schools and meet the challenging State aca-
21 demic standards under section 1111(b)(1); and

22 “(6) support efforts to strengthen the charter
23 school authorizing process to improve performance
24 management, including transparency, monitoring, in-
25 cluding financial audits, and evaluation of such
26 schools.

1 **“SEC. 5102. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—The Secretary is authorized to
3 carry out a charter school program that supports charter
4 schools that serve early childhood, elementary school, and
5 secondary school students by—

6 “(1) supporting the startup of charter schools,
7 the replication of high-quality charter schools, and
8 the expansion of high-quality charter schools;

9 “(2) assisting charter schools in accessing cred-
10 it to acquire and renovate facilities for school use;
11 and

12 “(3) carrying out national activities to sup-
13 port—

14 “(A) the startup of charter schools, the
15 replication of high-quality charter schools, and
16 the expansion of high-quality charter schools;

17 “(B) the dissemination of best practices of
18 charter schools for all schools;

19 “(C) the evaluation of the impact of the
20 charter school program under this part on
21 schools participating in such program; and

22 “(D) stronger charter school authorizing.

23 “(b) FUNDING ALLOTMENT.—From the amount
24 made available under section 5111 for a fiscal year, the
25 Secretary shall—

1 “(1) reserve 12.5 percent to support charter
2 school facilities assistance under section 5104;

3 “(2) reserve not less than 25 percent to carry
4 out national activities under section 5105; and

5 “(3) use the remaining amount after the res-
6 ervations under paragraphs (1) and (2) to carry out
7 section 5103.

8 “(c) PRIOR GRANTS AND SUBGRANTS.—The recipi-
9 ent of a grant or subgrant under this part (as such part
10 was in effect on the day before the date of enactment of
11 the Every Child Achieves Act of 2015) shall continue to
12 receive funds in accordance with the terms and conditions
13 of such grant or subgrant.

14 **“SEC. 5103. GRANTS TO SUPPORT HIGH-QUALITY CHARTER**
15 **SCHOOLS.**

16 “(a) STATE ENTITY DEFINED.—For purposes of this
17 section, the term ‘State entity’ means—

18 “(1) a State educational agency;

19 “(2) a State charter school board;

20 “(3) a Governor of a State; or

21 “(4) a charter school support organization.

22 “(b) PROGRAM AUTHORIZED.—From the amount
23 available under section 5102(b)(3), the Secretary shall
24 award, on a competitive basis, grants to State entities hav-

1 ing applications approved under subsection (f) to enable
2 such entities to—

3 “(1) award subgrants to eligible applicants to
4 enable such eligible applicants to—

5 “(A) open new charter schools;

6 “(B) replicate high-quality charter school
7 models; or

8 “(C) expand high-quality charter schools;
9 and

10 “(2) provide technical assistance to eligible ap-
11 plicants and authorized public chartering agencies in
12 carrying out the activities described in paragraph
13 (1), and work with authorized public chartering
14 agencies in the State to improve authorizing quality,
15 including developing capacity for and conducting fis-
16 cal oversight and auditing of charter schools.

17 “(c) STATE ENTITY USES OF FUNDS.—

18 “(1) IN GENERAL.—A State entity receiving a
19 grant under this section shall—

20 “(A) use not less than 90 percent of the
21 grant funds to award subgrants to eligible ap-
22 plicants, in accordance with the quality charter
23 school program described in the State entity’s
24 application pursuant to subsection (f), for the

1 purposes described in subparagraphs (A)
2 through (C) of subsection (b)(1);

3 “(B) reserve not less than 7 percent of
4 such funds to carry out the activities described
5 in subsection (b)(2); and

6 “(C) reserve not more than 3 percent of
7 such funds for administrative costs, which may
8 include the administrative costs of providing
9 technical assistance.

10 “(2) CONTRACTS AND GRANTS.—A State entity
11 may use a grant received under this section to carry
12 out the activities described in paragraph (1)(A) di-
13 rectly or through grants, contracts, or cooperative
14 agreements.

15 “(3) RULES OF CONSTRUCTION.—

16 “(A) USE OF LOTTERY MECHANISMS.—
17 Nothing in this Act shall prohibit the Secretary
18 from awarding grants to State entities, or State
19 entities from awarding subgrants to eligible ap-
20 plicants, that use a weighted lottery, or an
21 equivalent lottery mechanism, to give better
22 chances for school admission to all or a subset
23 of educationally disadvantaged students if—

24 “(i) the use of a weighted lottery in
25 favor of such students is not prohibited by

1 State law, and such State law is consistent
2 with the laws described in section
3 5110(2)(G); and

4 “(ii) such weighted lottery is not used
5 for the purpose of creating schools exclu-
6 sively to serve a particular subset of stu-
7 dents.

8 “(B) STUDENTS WITH SPECIAL NEEDS.—
9 Nothing in this paragraph shall be construed to
10 prohibit schools from specializing in providing
11 specific services for students with a dem-
12 onstrated need for such services, such as stu-
13 dents who need specialized instruction in read-
14 ing, spelling, or writing.

15 “(d) PROGRAM PERIODS; PEER REVIEW; DISTRIBU-
16 TION OF SUBGRANTS; WAIVERS.—

17 “(1) PROGRAM PERIODS.—

18 “(A) GRANTS.—A grant awarded by the
19 Secretary to a State entity under this section
20 shall be for a period of not more than 3 years,
21 and may be renewed by the Secretary for one
22 additional 2-year period.

23 “(B) SUBGRANTS.—A subgrant awarded
24 by a State entity under this section—

1 “(i) shall be for a period of not more
2 than 3 years, of which an eligible applicant
3 may use not more than 18 months for
4 planning and program design; and

5 “(ii) may be renewed by the State en-
6 tity for one additional 2-year period.

7 “(2) PEER REVIEW.—The Secretary, and each
8 State entity awarding subgrants under this section,
9 shall use a peer-review process to review applications
10 for assistance under this section.

11 “(3) DISTRIBUTION OF SUBGRANTS.—Each
12 State entity awarding subgrants under this section
13 shall award subgrants in a manner that, to the ex-
14 tent practicable and applicable, ensures that such
15 subgrants—

16 “(A) prioritize eligible applicants that plan
17 to serve a significant number of students from
18 low-income families;

19 “(B) are distributed throughout different
20 areas, including urban, suburban, and rural
21 areas; and

22 “(C) will assist charter schools rep-
23 resenting a variety of educational approaches.

24 “(4) WAIVERS.—The Secretary may waive any
25 statutory or regulatory requirement over which the

1 Secretary exercises administrative authority under
2 this Act with respect to charter schools supported
3 under this part, except any such requirement relat-
4 ing to the elements of a charter school described in
5 section 5110(2), if—

6 “(A) the waiver is requested in an ap-
7 proved application under this section; and

8 “(B) the Secretary determines that grant-
9 ing such waiver will promote the purposes of
10 this part.

11 “(e) LIMITATIONS.—

12 “(1) GRANTS.—A State entity may not receive
13 more than 1 grant under this section at a time.

14 “(2) SUBGRANTS.—An eligible applicant may
15 not receive more than 1 subgrant under this section
16 for each individual charter school for each grant pe-
17 riod or renewal period, unless the eligible applicant
18 demonstrates to the State entity that such individual
19 charter school has demonstrated a strong track
20 record of positive results over the course of the
21 grant period regarding the elements described in
22 subparagraphs (A) and (D) of section 5110(8).

23 “(f) APPLICATIONS.—A State entity desiring to re-
24 ceive a grant under this section shall submit an application
25 to the Secretary at such time and in such manner as the

1 Secretary may require. The application shall include the
2 following:

3 “(1) DESCRIPTION OF PROGRAM.—A descrip-
4 tion of the State entity’s objectives in running a
5 quality charter school program under this section
6 and how the objectives of the program will be car-
7 ried out, including—

8 “(A) a description of how the State entity
9 will—

10 “(i) support the opening of new char-
11 ter schools and, if applicable, the replica-
12 tion of high-quality charter schools and the
13 expansion of high-quality charter schools,
14 including the proposed number of charter
15 schools to be opened, replicated, or ex-
16 panded under the State entity’s program;

17 “(ii) inform eligible charter schools,
18 developers, and authorized public char-
19 tering agencies of the availability of funds
20 under the program;

21 “(iii) work with eligible applicants to
22 ensure that the eligible applicants access
23 all Federal funds that such applicants are
24 eligible to receive, and help the charter
25 schools supported by the applicants and

1 the students attending those charter
2 schools—

3 “(I) participate in the Federal
4 programs in which the schools and
5 students are eligible to participate;
6 and

7 “(II) receive the commensurate
8 share of Federal funds the schools
9 and students are eligible to receive
10 under such programs;

11 “(iv) in the case of a State entity that
12 is not a State educational agency—

13 “(I) work with the State edu-
14 cational agency and the charter
15 schools in the State to maximize char-
16 ter school participation in Federal and
17 State programs for charter schools;
18 and

19 “(II) work with the State edu-
20 cational agency to operate the State
21 entity’s program under this section, if
22 applicable;

23 “(v) ensure each eligible applicant
24 that receives a subgrant under the State
25 entity’s program—

1 “(I) is opening or expanding
2 schools that meet the definition of a
3 charter school under section 5110;
4 and

5 “(II) is prepared to continue to
6 operate such charter schools once the
7 subgrant funds under this section are
8 no longer available;

9 “(vi) support charter schools in local
10 educational agencies with schools that have
11 been identified by the State under section
12 1114(a)(1)(A);

13 “(vii) work with charter schools to
14 promote inclusion of all students and sup-
15 port all students upon enrollment in order
16 to promote retention of students in the
17 school;

18 “(viii) work with charter schools on
19 recruitment practices, including efforts to
20 engage groups that may otherwise have
21 limited opportunities to attend charter
22 schools;

23 “(ix) share best and promising prac-
24 tices among charter schools and other pub-
25 lic schools;

1 “(x) ensure that charter schools re-
2 ceiving funds under the State entity’s pro-
3 gram meet the educational needs of their
4 students, including children with disabil-
5 ities and students who are English learn-
6 ers; and

7 “(xi) support efforts to increase char-
8 ter school quality initiatives, including
9 meeting the quality authorizing elements
10 described in paragraph (2)(D);

11 “(B) a description of how the State will ac-
12 tively monitor and hold authorized public char-
13 tering agencies accountable to ensure high-qual-
14 ity authorizing activity, including by estab-
15 lishing authorizing standards and by approving,
16 reapproving, and revoking the authority of an
17 authorized public chartering agency based on
18 the performance of the charter schools author-
19 ized by such agency in the areas of student
20 achievement, student safety, financial and oper-
21 ational management, and compliance with all
22 applicable statutes;

23 “(C) a description of the extent to which
24 the State entity—

1 “(i) is able to meet and carry out the
2 priorities described in subsection (g)(2);

3 “(ii) is working to develop or
4 strengthen a cohesive statewide system to
5 support the opening of new charter schools
6 and, if applicable, the replication of high-
7 quality charter schools, and the expansion
8 of high-quality charter schools; and

9 “(iii) will solicit and consider input
10 from parents and other members of the
11 community on the implementation and op-
12 eration of each charter school receiving
13 funds under the State entity’s charter
14 school program under this section;

15 “(D) a description of how the State entity
16 will award subgrants, on a competitive basis, in-
17 cluding—

18 “(i) a description of the application
19 each eligible applicant desiring to receive a
20 subgrant will be required to submit, which
21 application shall include—

22 “(I) a description of the roles
23 and responsibilities of eligible appli-
24 cants, and of any charter management
25 organizations or other organizations

1 with which the eligible applicant will
2 partner to open charter schools, in-
3 cluding the administrative and con-
4 tractual roles and responsibilities of
5 such partners;

6 “(II) a description of the quality
7 controls agreed to between the eligible
8 applicant and the authorized public
9 chartering agency involved, such as a
10 contract or performance agreement,
11 financial audits to ensure adequate
12 fiscal oversight, and how a school’s
13 performance on the State’s account-
14 ability system and impact on student
15 achievement (which may include stu-
16 dent academic growth) will be one of
17 the most important factors for re-
18 newal or revocation of the school’s
19 charter;

20 “(III) a description of how the
21 autonomy and flexibility granted to a
22 charter school is consistent with the
23 definition of a charter school in sec-
24 tion 5110; and

1 “(IV) a description of the eligible
2 applicant’s planned activities and ex-
3 penditures of subgrant funds for pur-
4 poses of opening a new charter school,
5 replicating a high-quality charter
6 school, or expanding a high-quality
7 charter school, and how the eligible
8 applicant will maintain fiscal sustain-
9 ability after the end of the subgrant
10 period; and

11 “(ii) a description of how the State
12 entity will review applications from eligible
13 applicants;

14 “(E) in the case of a State entity that
15 partners with an outside organization to carry
16 out the entity’s quality charter school program,
17 in whole or in part, a description of the roles
18 and responsibilities of the partner; and

19 “(F) a description of how the State entity
20 will help the charter schools receiving funds
21 under the State entity’s program address the
22 transportation needs of the schools’ students.

23 “(2) ASSURANCES.—Assurances that—

24 “(A) each charter school receiving funds
25 through the State entity’s program will have a

1 high degree of autonomy over budget and oper-
2 ations, including autonomy over personnel deci-
3 sions;

4 “(B) the State entity will support charter
5 schools in meeting the educational needs of
6 their students, as described in paragraph
7 (1)(A)(x);

8 “(C) the State entity will ensure that the
9 authorized public chartering agency of any
10 charter school that receives funds under the en-
11 tity’s program—

12 “(i) ensures that the charter school
13 under the authority of such agency is
14 meeting the requirements of this Act, part
15 B of the Individuals with Disabilities Edu-
16 cation Act, title VI of the Civil Rights Act
17 of 1964, and section 504 of the Rehabilita-
18 tion Act of 1973; and

19 “(ii) adequately monitors and provides
20 adequate technical assistance to each char-
21 ter school under the authority of such
22 agency in recruiting, enrolling, retaining,
23 and meeting the needs of all students, in-
24 cluding children with disabilities and stu-
25 dents who are English learners;

1 “(D) the State entity will promote quality
2 authorizing, such as through providing technical
3 assistance to support each authorized public
4 chartering agency in the State to improve such
5 agency’s ability to monitor the charter schools
6 authorized by the agency, including by—

7 “(i) using annual performance data,
8 which may include graduation rates and
9 student academic growth data, as appro-
10 priate, to measure a school’s progress to-
11 ward becoming a high-quality charter
12 school;

13 “(ii) reviewing the schools’ inde-
14 pendent, annual audits of financial state-
15 ments conducted in accordance with gen-
16 erally accepted accounting principles, and
17 ensuring any such audits are publically re-
18 ported; and

19 “(iii) holding charter schools account-
20 able to the academic, financial, and oper-
21 ational quality controls agreed to between
22 the charter school and the authorized pub-
23 lic chartering agency involved, such as
24 through renewal, non-renewal, or revoca-
25 tion of the school’s charter; and

1 “(E) the State entity will ensure that each
2 charter school in the State makes publicly avail-
3 able, consistent with the dissemination require-
4 ments of the annual State report card, includ-
5 ing on the website of the school, information to
6 help parents make informed decisions about the
7 education options available to their children, in-
8 cluding information on the educational pro-
9 gram, student support services, parent contract
10 requirements (as applicable), including any fi-
11 nancial obligations or fees, enrollment criteria
12 (as applicable), and annual performance and
13 enrollment data for each of the categories of
14 students, as defined in section 1111(b)(3)(A).

15 “(3) REQUESTS FOR WAIVERS.—

16 “(A) FEDERAL STATUTE AND REGULA-
17 TION.—A request and justification for waivers
18 of any Federal statutory or regulatory provi-
19 sions that the State entity believes are nec-
20 essary for the successful operation of the char-
21 ter schools that will receive funds under the en-
22 tity’s program under this section.

23 “(B) STATE AND LOCAL RULES.—A de-
24 scription of any State or local rules, generally
25 applicable to public schools, that will be waived,

1 or otherwise not apply, to such schools or, in
2 the case of a State entity defined in subsection
3 (a)(4), a description of how the State entity will
4 work with the State to request necessary waiv-
5 ers, if applicable.

6 “(g) SELECTION CRITERIA; PRIORITY.—

7 “(1) SELECTION CRITERIA.—The Secretary
8 shall award grants to State entities under this sec-
9 tion on the basis of the quality of the applications
10 submitted under subsection (f), after taking into
11 consideration—

12 “(A) the degree of flexibility afforded by
13 the State’s public charter school law and how
14 the State entity will work to maximize the flexi-
15 bility provided to charter schools under such
16 law;

17 “(B) the proposed number of new charter
18 schools to be opened, and, if applicable, the
19 number of high-quality charter schools to be
20 replicated or expanded under the program, and
21 the number of new students to be served by
22 such schools;

23 “(C) the likelihood that the schools opened,
24 replicated, or expanded by eligible applicants re-
25 ceiving subgrant funds will increase the aca-

1 demic achievement of the school’s students and
2 progress toward becoming high-quality charter
3 schools; and

4 “(D) the quality of the State entity’s plan
5 to—

6 “(i) monitor the eligible applicants re-
7 ceiving subgrants under the State entity’s
8 program;

9 “(ii) provide technical assistance and
10 support for—

11 “(I) the eligible applicants receiv-
12 ing subgrants under the State entity’s
13 program; and

14 “(II) quality authorizing efforts
15 in the State.

16 “(2) PRIORITY.—In awarding grants under this
17 section, the Secretary shall give priority to a State
18 entity to the extent that the entity meets the fol-
19 lowing criteria:

20 “(A) The State entity is located in a State
21 that—

22 “(i) allows at least one entity that is
23 not the local educational agency to be an
24 authorized public chartering agency for

1 each developer seeking to open a charter
2 school in the State; or

3 “(ii) in the case of a State in which
4 local educational agencies are the only au-
5 thorized public chartering agencies, the
6 State has an appeals process for the denial
7 of an application for a charter school.

8 “(B) The State entity is located in a State
9 that ensures that charter schools receive equi-
10 table financing, as compared to traditional pub-
11 lic schools, in a prompt manner.

12 “(C) The State entity is located in a State
13 that provides charter schools one or more of the
14 following:

15 “(i) Funding for facilities.

16 “(ii) Assistance with facilities acquisi-
17 tion.

18 “(iii) Access to public facilities.

19 “(iv) The ability to share in bonds or
20 mill levies.

21 “(v) The right of first refusal to pur-
22 chase public school buildings.

23 “(vi) Low- or no-cost leasing privi-
24 leges.

1 “(D) The State entity is located in a State
2 that uses best practices from charter schools to
3 help improve struggling schools and local edu-
4 cational agencies.

5 “(E) The State entity supports charter
6 schools that support at-risk students through
7 activities such as dropout prevention or dropout
8 recovery.

9 “(F) The State entity ensures that each
10 charter school has a high degree of autonomy
11 over the charter school’s budget and operations,
12 including autonomy over personnel decisions.

13 “(G) The State entity has taken steps to
14 ensure that all authorizing public chartering
15 agencies implement best practices for charter
16 school authorizing.

17 “(h) LOCAL USES OF FUNDS.—An eligible applicant
18 receiving a subgrant under this section shall use such
19 funds to carry out activities related to opening a new char-
20 ter school, replicating a high-quality charter school, or ex-
21 panding a high-quality charter school, which may in-
22 clude—

23 “(1) supporting the acquisition, expansion, or
24 preparation of a charter school building to meet in-
25 creasing enrollment needs, including financing the

1 development of a new building and ensuring that a
2 school building complies with applicable statutes and
3 regulations;

4 “(2) paying costs associated with hiring addi-
5 tional teachers to serve additional students;

6 “(3) providing transportation to students to
7 and from the charter school;

8 “(4) providing instructional materials, imple-
9 menting teacher and principal or other school leader
10 professional development programs, and hiring addi-
11 tional nonteaching staff;

12 “(5) supporting any necessary activities that as-
13 sist the charter school in carrying out this section,
14 such as preparing individuals to serve as members of
15 the charter school’s board; and

16 “(6) providing early childhood education pro-
17 grams for children, including direct support to, and
18 coordination with school- or community-based early
19 childhood education programs.

20 “(i) REPORTING REQUIREMENTS.—Each State entity
21 receiving a grant under this section shall submit to the
22 Secretary, at the end of the third year of the grant period
23 and at the end of any renewal period, a report that in-
24 cludes the following:

1 “(1) The number of students served by each
2 subgrant awarded under this section and, if applica-
3 ble, the number of new students served during each
4 year of the grant period.

5 “(2) The number and amount of subgrants
6 awarded under this section to carry out each of the
7 following:

8 “(A) The opening of new charter schools.

9 “(B) The replication of high-quality char-
10 ter schools.

11 “(C) The expansion of high-quality charter
12 schools.

13 “(3) The progress the State entity made toward
14 meeting the priorities described in subparagraphs
15 (E) through (G) of subsection (g)(2).

16 “(4) A description of—

17 “(A) how the State entity complied with,
18 and ensured that eligible applicants complied
19 with, the assurances described in the State enti-
20 ty’s application;

21 “(B) how the State entity worked with au-
22 thorized public chartering agencies, and how
23 the agencies worked with the management com-
24 pany or leadership of the schools that receive
25 subgrant funds, if applicable; and

1 “(C) how each recipient of a subgrant
2 under this section uses the subgrant funds on
3 early childhood education programs described in
4 subsection (h)(6), if such recipient chooses to
5 use such funds on such programs.

6 **“SEC. 5104. FACILITIES FINANCING ASSISTANCE.**

7 “(a) GRANTS TO ELIGIBLE ENTITIES.—

8 “(1) IN GENERAL.—From the amount reserved
9 under section 5102(b)(1), the Secretary shall use
10 not less than 50 percent to award not less than 3
11 grants, on a competitive basis, to eligible entities
12 that have the highest-quality applications approved
13 under subsection (d) to demonstrate innovative
14 methods of helping charter schools to address the
15 cost of acquiring, constructing, and renovating facili-
16 ties by enhancing the availability of loans or bond fi-
17 nancing.

18 “(2) ELIGIBLE ENTITY DEFINED.—For the
19 purposes of this section, the term ‘eligible entity’
20 means—

21 “(A) a public entity, such as a State or
22 local governmental entity;

23 “(B) a private nonprofit entity; or

24 “(C) a consortium of entities described in
25 subparagraphs (A) and (B).

1 “(b) GRANTEE SELECTION.—The Secretary shall
2 evaluate each application submitted under subsection (d),
3 and shall determine whether the application is sufficient
4 to merit approval.

5 “(c) GRANT CHARACTERISTICS.—Grants under sub-
6 section (a) shall be of a sufficient size, scope, and quality
7 so as to ensure an effective demonstration of an innovative
8 means of enhancing credit for the financing of charter
9 school acquisition, construction, or renovation.

10 “(d) APPLICATIONS.—

11 “(1) IN GENERAL.—An eligible entity desiring
12 to receive a grant under this section shall submit an
13 application to the Secretary in such form as the Sec-
14 retary may reasonably require.

15 “(2) CONTENTS.—An application submitted
16 under paragraph (1) shall contain—

17 “(A) a statement identifying the activities
18 that the eligible entity proposes to carry out
19 with funds received under subsection (a), in-
20 cluding how the eligible entity will determine
21 which charter schools will receive assistance,
22 and how much and what types of assistance
23 charter schools will receive;

1 “(B) a description of the involvement of
2 charter schools in the application’s development
3 and the design of the proposed activities;

4 “(C) a description of the eligible entity’s
5 expertise in capital market financing;

6 “(D) a description of how the proposed ac-
7 tivities will leverage the maximum amount of
8 private-sector financing capital relative to the
9 amount of government funding used and other-
10 wise enhance credit available to charter schools,
11 including how the entity will offer a combina-
12 tion of rates and terms more favorable than the
13 rates and terms that a charter school could re-
14 ceive without assistance from the entity under
15 this section;

16 “(E) a description of how the eligible enti-
17 ty possesses sufficient expertise in education to
18 evaluate the likelihood of success of a charter
19 school program for which facilities financing is
20 sought; and

21 “(F) in the case of an application sub-
22 mitted by a State governmental entity, a de-
23 scription of the actions that the entity has
24 taken, or will take, to ensure that charter
25 schools within the State receive the funding

1 that charter schools need to have adequate fa-
2 cilities.

3 “(e) CHARTER SCHOOL OBJECTIVES.—An eligible
4 entity receiving a grant under this section shall use the
5 funds deposited in the reserve account established under
6 subsection (f) to assist one or more charter schools to ac-
7 cess private sector capital to accomplish one or more of
8 the following objectives:

9 “(1) The acquisition (by purchase, lease, dona-
10 tion, or otherwise) of an interest (including an inter-
11 est held by a third party for the benefit of a charter
12 school) in improved or unimproved real property
13 that is necessary to commence or continue the oper-
14 ation of a charter school.

15 “(2) The construction of new facilities, includ-
16 ing predevelopment costs, or the renovation, repair,
17 or alteration of existing facilities, necessary to com-
18 mence or continue the operation of a charter school.

19 “(3) The predevelopment costs required to as-
20 sess sites for purposes of paragraph (1) or (2) and
21 which are necessary to commence or continue the
22 operation of a charter school.

23 “(f) RESERVE ACCOUNT.—

24 “(1) USE OF FUNDS.—To assist charter schools
25 in accomplishing the objectives described in sub-

1 section (e), an eligible entity receiving a grant under
2 subsection (a) shall, in accordance with State and
3 local law, directly or indirectly, alone or in collabora-
4 tion with others, deposit the funds received under
5 subsection (a) (other than funds used for adminis-
6 trative costs in accordance with subsection (g)) in a
7 reserve account established and maintained by the
8 eligible entity for this purpose. Amounts deposited in
9 such account shall be used by the eligible entity for
10 one or more of the following purposes:

11 “(A) Guaranteeing, insuring, and rein-
12 suring bonds, notes, evidences of debt, loans,
13 and interests therein, the proceeds of which are
14 used for an objective described in subsection
15 (e).

16 “(B) Guaranteeing and insuring leases of
17 personal and real property for an objective de-
18 scribed in such subsection.

19 “(C) Facilitating financing by identifying
20 potential lending sources, encouraging private
21 lending, and other similar activities that di-
22 rectly promote lending to, or for the benefit of,
23 charter schools.

24 “(D) Facilitating the issuance of bonds by
25 charter schools, or by other public entities for

1 the benefit of charter schools, by providing
2 technical, administrative, and other appropriate
3 assistance (including the recruitment of bond
4 counsel, underwriters, and potential investors
5 and the consolidation of multiple charter school
6 projects within a single bond issue).

7 “(2) INVESTMENT.—Funds received under this
8 section and deposited in the reserve account estab-
9 lished under paragraph (1) shall be invested in obli-
10 gations issued or guaranteed by the United States or
11 a State, or in other similarly low-risk securities.

12 “(3) REINVESTMENT OF EARNINGS.—Any earn-
13 ings on funds received under subsection (a) shall be
14 deposited in the reserve account established under
15 paragraph (1) and used in accordance with this sub-
16 section.

17 “(g) LIMITATION ON ADMINISTRATIVE COSTS.—An
18 eligible entity may use not more than 2.5 percent of the
19 funds received under subsection (a) for the administrative
20 costs of carrying out its responsibilities under this section
21 (excluding subsection (k)).

22 “(h) AUDITS AND REPORTS.—

23 “(1) FINANCIAL RECORD MAINTENANCE AND
24 AUDIT.—The financial records of each eligible entity
25 receiving a grant under subsection (a) shall be main-

1 tained in accordance with generally accepted ac-
2 counting principles and shall be subject to an annual
3 audit by an independent public accountant.

4 “(2) REPORTS.—

5 “(A) GRANTEE ANNUAL REPORTS.—Each
6 eligible entity receiving a grant under sub-
7 section (a) annually shall submit to the Sec-
8 retary a report of the entity’s operations and
9 activities under this section.

10 “(B) CONTENTS.—Each annual report
11 submitted under subparagraph (A) shall in-
12 clude—

13 “(i) a copy of the most recent finan-
14 cial statements, and any accompanying
15 opinion on such statements, prepared by
16 the independent public accountant review-
17 ing the financial records of the eligible en-
18 tity;

19 “(ii) a copy of any report made on an
20 audit of the financial records of the eligible
21 entity that was conducted under paragraph
22 (1) during the reporting period;

23 “(iii) an evaluation by the eligible en-
24 tity of the effectiveness of its use of the

1 Federal funds provided under subsection
2 (a) in leveraging private funds;

3 “(iv) a listing and description of the
4 charter schools served during the reporting
5 period, including the amount of funds used
6 by each school, the type of project facili-
7 tated by the grant, and the type of assist-
8 ance provided to the charter schools;

9 “(v) a description of the activities car-
10 ried out by the eligible entity to assist
11 charter schools in meeting the objectives
12 set forth in subsection (e); and

13 “(vi) a description of the characteris-
14 ties of lenders and other financial institu-
15 tions participating in the activities carried
16 out by the eligible entity under this section
17 (excluding subsection (k)) during the re-
18 porting period.

19 “(C) SECRETARIAL REPORT.—The Sec-
20 retary shall review the reports submitted under
21 subparagraph (A) and shall provide a com-
22 prehensive annual report to Congress on the ac-
23 tivities conducted under this section (excluding
24 subsection (k)).

1 “(i) NO FULL FAITH AND CREDIT FOR GRANTEE
2 OBLIGATION.—No financial obligation of an eligible entity
3 entered into pursuant to this section (such as an obliga-
4 tion under a guarantee, bond, note, evidence of debt, or
5 loan) shall be an obligation of, or guaranteed in any re-
6 spect by, the United States. The full faith and credit of
7 the United States is not pledged to the payment of funds
8 which may be required to be paid under any obligation
9 made by an eligible entity pursuant to any provision of
10 this section.

11 “(j) RECOVERY OF FUNDS.—

12 “(1) IN GENERAL.—The Secretary, in accord-
13 ance with chapter 37 of title 31, United States
14 Code, shall collect—

15 “(A) all of the funds in a reserve account
16 established by an eligible entity under sub-
17 section (f)(1) if the Secretary determines, not
18 earlier than 2 years after the date on which the
19 eligible entity first received funds under this
20 section (excluding subsection (k)), that the eli-
21 gible entity has failed to make substantial
22 progress in carrying out the purposes described
23 in subsection (f)(1); or

24 “(B) all or a portion of the funds in a re-
25 serve account established by an eligible entity

1 under subsection (f)(1) if the Secretary deter-
2 mines that the eligible entity has permanently
3 ceased to use all or a portion of the funds in
4 such account to accomplish any purpose de-
5 scribed in such subsection.

6 “(2) EXERCISE OF AUTHORITY.—The Secretary
7 shall not exercise the authority provided in para-
8 graph (1) to collect from any eligible entity any
9 funds that are being properly used to achieve one or
10 more of the purposes described in subsection (f)(1).

11 “(3) PROCEDURES.—The provisions of sections
12 451, 452, and 458 of the General Education Provi-
13 sions Act shall apply to the recovery of funds under
14 paragraph (1).

15 “(4) CONSTRUCTION.—This subsection shall
16 not be construed to impair or affect the authority of
17 the Secretary to recover funds under part D of the
18 General Education Provisions Act.

19 “(k) PER-PUPIL FACILITIES AID PROGRAM.—

20 “(1) DEFINITION OF PER-PUPIL FACILITIES AID
21 PROGRAM.—In this subsection, the term ‘per-pupil
22 facilities aid program’ means a program in which a
23 State makes payments, on a per-pupil basis, to char-
24 ter schools to provide the schools with financing—

1 “(A) that is dedicated solely for funding
2 charter school facilities; or

3 “(B) a portion of which is dedicated for
4 funding charter school facilities.

5 “(2) GRANTS.—

6 “(A) IN GENERAL.—From the amount re-
7 served under section 5102(b)(1) and remaining
8 after the Secretary makes grants under sub-
9 section (a), the Secretary shall make grants, on
10 a competitive basis, to States to pay for the
11 Federal share of the cost of establishing or en-
12 hancing, and administering, per-pupil facilities
13 aid programs.

14 “(B) PERIOD.—The Secretary shall award
15 grants under this subsection for periods of not
16 more than 5 years.

17 “(C) FEDERAL SHARE.—The Federal
18 share of the cost described in subparagraph (A)
19 for a per-pupil facilities aid program shall be
20 not more than—

21 “(i) 90 percent of the cost, for the
22 first fiscal year for which the program re-
23 ceives assistance under this subsection;

24 “(ii) 80 percent for the second such
25 year;

1 “(iii) 60 percent for the third such
2 year;

3 “(iv) 40 percent for the fourth such
4 year; and

5 “(v) 20 percent for the fifth such
6 year.

7 “(D) STATE SHARE.—A State receiving a
8 grant under this subsection may partner with 1
9 or more organizations, and such organizations
10 may provide not more than 50 percent of the
11 State share of the cost of establishing or en-
12 hancing, and administering, the per-pupil facili-
13 ties aid program.

14 “(E) MULTIPLE GRANTS.—A State may
15 receive more than 1 grant under this sub-
16 section, so long as the amount of such grant
17 funds provided to charter schools increases with
18 each successive grant.

19 “(3) USE OF FUNDS.—

20 “(A) IN GENERAL.—A State that receives
21 a grant under this subsection shall use the
22 funds made available through the grant to es-
23 tablish or enhance, and administer, a per-pupil
24 facilities aid program for charter schools in the
25 State of the applicant.

1 “(B) EVALUATIONS; TECHNICAL ASSIST-
2 ANCE; DISSEMINATION.—From the amount
3 made available to a State through a grant
4 under this subsection for a fiscal year, the State
5 may reserve not more than 5 percent to carry
6 out evaluations, to provide technical assistance,
7 and to disseminate information.

8 “(C) SUPPLEMENT, NOT SUPPLANT.—In
9 accordance with the method of determination
10 described in section 1117, funds made available
11 under this subsection shall be used to supple-
12 ment, and not supplant, State and local public
13 funds expended to provide per-pupil facilities
14 aid programs, operations financing programs,
15 or other programs, for charter schools.

16 “(4) REQUIREMENTS.—

17 “(A) VOLUNTARY PARTICIPATION.—No
18 State may be required to participate in a pro-
19 gram carried out under this subsection.

20 “(B) STATE LAW.—

21 “(i) IN GENERAL.—To be eligible to
22 receive a grant under this subsection, a
23 State shall establish or enhance, and ad-
24 minister, a per-pupil facilities aid program
25 for charter schools in the State, that—

1 “(I) is specified in State law; and

2 “(II) provides annual financing,
3 on a per-pupil basis, for charter
4 school facilities.

5 “(ii) SPECIAL RULE.—A State that is
6 required under State law to provide its
7 charter schools with access to adequate fa-
8 cility space may be eligible to receive a
9 grant under this subsection if the State
10 agrees to use the funds to develop a per-
11 pupil facilities aid program consistent with
12 the requirements of this subsection.

13 “(5) APPLICATIONS.—To be eligible to receive a
14 grant under this subsection, a State shall submit an
15 application to the Secretary at such time, in such
16 manner, and containing such information as the Sec-
17 retary may require.

18 **“SEC. 5105. NATIONAL ACTIVITIES.**

19 “(a) IN GENERAL.—From the amount reserved
20 under section 5102(b)(2), the Secretary shall—

21 “(1) use not less than 80 percent of such funds
22 to award grants in accordance with subsection (b);
23 and

24 “(2) use the remainder of such funds to—

1 “(A) disseminate technical assistance to
2 State entities in awarding subgrants under sec-
3 tion 5103(b)(1)(A);

4 “(B) disseminate best practices regarding
5 public charter schools;

6 “(C) evaluate the impact of the charter
7 school program carried out under this part, in-
8 cluding the impact on student achievement; and

9 “(D) award grants, on a competitive basis,
10 for the purpose of carrying out the activities de-
11 scribed in section 5103(h), to eligible applicants
12 that desire to open a charter school, replicate a
13 high-quality charter school, or expand a high-
14 quality charter school in—

15 “(i) a State that did not apply for a
16 grant under section 5103; or

17 “(ii) a State that did not receive a
18 grant under section 5103.

19 “(b) GRANTS FOR THE REPLICATION AND EXPAN-
20 SION OF HIGH-QUALITY CHARTER SCHOOLS.—The Sec-
21 retary shall make grants, on a competitive basis, to eligible
22 entities having applications approved under paragraph (2)
23 to enable such entities to replicate a high-quality charter
24 school or expand a high-quality charter school.

1 “(1) DEFINITION OF ELIGIBLE ENTITY.—For
2 purposes of this subsection, the term ‘eligible entity’
3 means—

4 “(A) a charter management organization
5 that, at the time of the application, operates or
6 manages one or more high-quality charter
7 schools; or

8 “(B) a nonprofit organization that oversees
9 and coordinates the activities of a group of such
10 charter management organizations.

11 “(2) APPLICATION REQUIREMENTS.—An eligi-
12 ble entity desiring to receive a grant under this sub-
13 section shall submit an application to the Secretary
14 at such time and in such manner as the Secretary
15 may require. The application shall include the fol-
16 lowing:

17 “(A) A description of the eligible entity’s
18 objectives for implementing a high-quality char-
19 ter school program with funding under this sub-
20 section, including a description of the proposed
21 number of high-quality charter schools to be
22 replicated or expanded with funding under this
23 subsection.

24 “(B) A description of the educational pro-
25 gram that the eligible entity will implement in

1 the charter schools that the eligible entity pro-
2 poses to replicate or expand, including informa-
3 tion on how the program will enable all stu-
4 dents to meet the challenging State academic
5 standards under section 1111(b)(1), the grade
6 levels or ages of students that will be served,
7 and the instructional practices that will be
8 used.

9 “(C) A multi-year financial and operating
10 model for the eligible entity, including a de-
11 scription of how the operation of the charter
12 schools to be replicated or expanded will be sus-
13 tained after the grant under this subsection has
14 ended.

15 “(D) A description of how the eligible enti-
16 ty will inform all students in the community, in-
17 cluding children with disabilities, students who
18 are English learners, and other educationally
19 disadvantaged students, about the charter
20 schools to be replicated or expanded with fund-
21 ing under this subsection.

22 “(E) For each charter school currently op-
23 erated or managed by the eligible entity—

1 “(i) student assessment results for all
2 students and for each category of students
3 described in section 1111(b)(2)(B)(xi); and

4 “(ii) attendance and student retention
5 rates for the most recently completed
6 school year and, if applicable, the most re-
7 cent available 4-year adjusted cohort and
8 extended-year adjusted cohort secondary
9 school graduation rates (as such rates were
10 calculated on the day before enactment of
11 the Every Child Achieves Act of 2015).

12 “(F) Information on any significant com-
13 pliance issues encountered, within the last 3
14 years, by any school operated or managed by
15 the eligible entity, including in the areas of stu-
16 dent safety and financial management.

17 “(G) A request and justification for any
18 waivers of Federal statutory or regulatory re-
19 quirements that the eligible entity believes are
20 necessary for the successful operation of the
21 charter schools to be replicated or expanded
22 with funding under this subsection.

23 “(3) SELECTION CRITERIA.—The Secretary
24 shall select eligible entities to receive grants under
25 this subsection, on the basis of the quality of the ap-

1 plications submitted under paragraph (2), after tak-
2 ing into consideration such factors as—

3 “(A) the degree to which the eligible entity
4 has demonstrated success in increasing aca-
5 demic achievement and attainment for all stu-
6 dents attending the charter schools the eligible
7 entity operates or manages;

8 “(B) the degree to which the eligible entity
9 has demonstrated success in increasing aca-
10 demic achievement and attainment for each of
11 the categories of students, as defined in section
12 1111(b)(3)(A);

13 “(C) the quality of the eligible entity’s fi-
14 nancial and operating model as described under
15 paragraph (2)(C), including the quality of the
16 eligible entity’s plan for sustaining the oper-
17 ation of the charter schools to be replicated or
18 expanded after the grant under this subsection
19 has ended;

20 “(D) a determination that the eligible enti-
21 ty has not operated or managed a significant
22 proportion of charter schools that—

23 “(i) have been closed;

1 “(ii) have had a school charter re-
2 voked due to problems with statutory or
3 regulatory compliance; or

4 “(iii) have had the school’s affiliation
5 with the eligible entity revoked; and

6 “(E) a determination that the eligible enti-
7 ty has not experienced significant problems with
8 statutory or regulatory compliance that could
9 lead to the revocation of a school’s charter.

10 “(4) PRIORITY.—In awarding grants under this
11 section, the Secretary shall give priority to eligible
12 entities that operate or manage charter schools that,
13 in the aggregate, serve students at least 60 percent
14 of whom are eligible for a free or reduced price
15 lunch under the Richard B. Russell National School
16 Lunch Act.

17 “(5) TERMS AND CONDITIONS.—Except as oth-
18 erwise provided in this subsection, grants awarded
19 under subsection (a)(2)(D) and this subsection shall
20 have the same terms and conditions as grants
21 awarded to State entities under section 5103.”;

22 (2) in section 5106 (20 U.S.C. 7221e), as re-
23 designated by section 5001(7), by adding at the end
24 the following:

1 “(c) NEW OR SIGNIFICANTLY EXPANDING CHARTER
2 SCHOOLS.—For purposes of implementing the hold harm-
3 less protections in sections 1122(c) and 1125A(g)(3) for
4 a newly opened or significantly expanded charter school
5 under subsection (a), a State educational agency shall cal-
6 culate a hold-harmless base for the prior year that, as ap-
7 plicable, reflects the new or significantly expanded enroll-
8 ment of the charter school.”;

9 (3) in section 5108 (20 U.S.C. 7221g), as re-
10 designated by section 5001(7), by inserting “as
11 quickly as possible and” before “to the extent prac-
12 ticable”;

13 (4) in section 5110 (20 U.S.C. 7221i), as redesi-
14 gnated by section 5001(7)—

15 (A) by redesignating paragraphs (1), (2),
16 and (3) as paragraphs (2), (5), and (6), respec-
17 tively;

18 (B) by redesignating paragraph (4) as
19 paragraph (1), and moving such paragraph so
20 as to precede paragraph (2), as redesignated by
21 subparagraph (A);

22 (C) in paragraph (2), as redesignated by
23 subparagraph (A)—

24 (i) in subparagraph (G), by striking “,
25 and part B” and inserting “, the Ameri-

1 cans with Disabilities Act of 1990 (42
2 U.S.C. 12101 et seq.), section 444 of the
3 General Education Provisions Act (20
4 U.S.C. 1232g) (commonly referred to as
5 the ‘Family Educational Rights and Pri-
6 vacy Act of 1974’), and part B”;

7 (ii) by striking subparagraph (H) and
8 inserting the following:

9 “(H) is a school to which parents choose to
10 send their children, and which—

11 “(i) admits students on the basis of a
12 lottery, if more students apply for admis-
13 sion than can be accommodated; or

14 “(ii) in the case of a school that has
15 an affiliated charter school (such as a
16 school that is part of the same network of
17 schools), automatically enrolls students
18 who are enrolled in the immediate prior
19 grade level of the affiliated charter school
20 and, for any additional student openings or
21 student openings created through regular
22 attrition in student enrollment in the affili-
23 ated charter school and the enrolling
24 school, admits students on the basis of a
25 lottery as described in clause (i);”;

1 (iii) by striking subparagraph (I) and
2 inserting the following:

3 “(I) agrees to comply with the same Fed-
4 eral and State audit requirements as do other
5 elementary schools and secondary schools in the
6 State, unless such State audit requirements are
7 waived by the State;”;

8 (iv) in subparagraph (K), by striking
9 “and” at the end;

10 (v) in subparagraph (L), by striking
11 the period at the end and inserting “;
12 and”; and

13 (vi) by adding at the end, the fol-
14 lowing:

15 “(M) may serve students in early
16 childhood education programs or post-
17 secondary students.”;

18 (D) by inserting after paragraph (2), as
19 redesignated by subparagraph (A), the fol-
20 lowing:

21 “(3) CHARTER MANAGEMENT ORGANIZATION.—

22 The term ‘charter management organization’ means
23 a nonprofit organization that operates or manages
24 multiple charter schools by centralizing or sharing
25 certain functions or resources.

1 “(4) CHARTER SCHOOL SUPPORT ORGANIZA-
2 TION.—The term ‘charter school support organiza-
3 tion’ means a nonprofit, nongovernmental entity that
4 is not an authorized public chartering agency and
5 provides, on a statewide basis—

6 “(A) assistance to developers during the
7 planning, program design, and initial implemen-
8 tation of a charter school; and

9 “(B) technical assistance to operating
10 charter schools.”;

11 (E) in paragraph (6)(B), as redesignated
12 by subparagraph (A), by striking “under sec-
13 tion 5203(d)(3)”;

14 (F) by adding at the end the following:

15 “(7) EXPANSION OF A HIGH-QUALITY CHARTER
16 SCHOOL.—The term ‘expansion of a high-quality
17 charter school’ means increasing the enrollment at a
18 high-quality charter school by not less than 50 per-
19 cent or adding 2 or more grades to a high-quality
20 charter school.

21 “(8) HIGH-QUALITY CHARTER SCHOOL.—The
22 term ‘high-quality charter school’ means a charter
23 school that—

1 “(A) shows evidence of strong academic re-
2 sults, which may include strong student aca-
3 demic growth, as determined by a State;

4 “(B) has no significant issues in the areas
5 of student safety, financial management, or
6 statutory or regulatory compliance;

7 “(C) has demonstrated success in signifi-
8 cantly increasing student academic achieve-
9 ment, including graduation rates where applica-
10 ble, for all students served by the charter
11 school; and

12 “(D) has demonstrated success in increas-
13 ing student academic achievement, including
14 graduation rates where applicable, for each of
15 the categories of students, as defined in section
16 1111(b)(3)(A), except that such demonstration
17 is not required in a case in which the number
18 of students in a group is insufficient to yield
19 statistically reliable information or the results
20 would reveal personally identifiable information
21 about an individual student.

22 “(9) REPLICATION OF A HIGH-QUALITY CHAR-
23 TER SCHOOL.—The term ‘replication of a high-qual-
24 ity charter school’ means the opening of a charter
25 school—

1 “(A) under an existing charter or an addi-
2 tional charter, if permitted by State law;

3 “(B) based on the model of a high-quality
4 charter school; and

5 “(C) that will be operated or managed by
6 the same nonprofit organization that operates
7 or manages such high-quality charter school
8 under an existing charter.”; and

9 (5) by striking section 5111 (20 U.S.C. 7221j),
10 as redesignated by section 5001(7), and inserting
11 the following:

12 **“SEC. 5111. AUTHORIZATION OF APPROPRIATIONS.**

13 “‘There are authorized to be appropriated to carry out
14 this part such sums as may be necessary for each of fiscal
15 years 2016 through 2021.’”.

16 **SEC. 5003. MAGNET SCHOOLS ASSISTANCE.**

17 Part B of title V (20 U.S.C. 7231 et seq.), as redesign-
18 ated by section 5001(5), is amended—

19 (1) in section 5201(b), as redesignated by sec-
20 tion 5001(8)—

21 (A) in paragraph (1)—

22 (i) by inserting “and the increase of
23 socioeconomic integration” before “in ele-
24 mentary schools and secondary schools”;
25 and

1 (ii) by inserting “low-income and” be-
2 fore “minority students”;

3 (B) in paragraph (2)—

4 (i) by striking “and implementation”
5 and inserting “, implementation, and ex-
6 pansion”; and

7 (ii) by striking “content standards
8 and student academic achievement stand-
9 ards” and inserting “standards under sec-
10 tion 1111(b)(1)”;

11 (C) in paragraph (3), by striking “and de-
12 sign” and inserting “, design, and expansion”;

13 (D) in paragraph (4), by striking “voca-
14 tional” and inserting “career”; and

15 (E) in paragraph (6), by striking “produc-
16 tive employment” and inserting “to enter into
17 the workforce without the need for postsec-
18 ondary education”;

19 (2) in section 5202, as redesignated by section
20 5001(8), by striking “backgrounds” and inserting “,
21 ethnic, and socioeconomic backgrounds”;

22 (3) in section 5205(b), as redesignated by sec-
23 tion 5001(8)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A), by inserting
2 “any available evidence on” before “how
3 the proposed magnet school programs”;

4 (ii) in subparagraph (B), by inserting
5 “, including any evidence available to sup-
6 port such description” before the semi-
7 colon;

8 (iii) by redesignating subparagraphs
9 (D) and (E) as subparagraphs (E) and
10 (F), respectively;

11 (iv) by inserting after subparagraph
12 (C) the following:

13 “(D) how the applicant will assess, mon-
14 itor, and evaluate the impact of the activities
15 funded under this part on student achievement
16 and integration;”; and

17 (B) in paragraph (2)—

18 (i) in the manner preceding subpara-
19 graph (A), by striking “will”;

20 (ii) in subparagraph (A)—

21 (I) by inserting “will” before
22 “use grant funds”; and

23 (II) by striking “section
24 5301(b)” and inserting “section
25 5201(b)”;

1 (iii) in subparagraph (B), by striking
2 “employ highly qualified” and inserting
3 “will employ effective”;

4 (iv) in subparagraph (C), by striking
5 “not engage in” and inserting “is not cur-
6 rently engaging in and will not engage in”;

7 (v) in subparagraph (D), by inserting
8 “will” before carry out; and

9 (vi) in subparagraph (E), by inserting
10 “will” before “give students”;

11 (4) in section 5206, as redesignated by section
12 5001(8), by striking paragraph (2) and inserting the
13 following:

14 “(2) propose to—

15 “(A) carry out a new, evidence-based mag-
16 net school program;

17 “(B) significantly revise an existing mag-
18 net school program, using evidence-based meth-
19 ods and practices, as available; or

20 “(C) expand an existing magnet school
21 program that has a demonstrated record of suc-
22 cess in increasing student academic achieve-
23 ment, reducing isolation of minority groups,
24 and increasing socioeconomic integration; and”;

1 (5) in section 5207, as redesignated by section
2 5001(8)—

3 (A) in subsection (a)—

4 (i) in paragraph (3), by striking “who
5 are highly qualified”;

6 (ii) in paragraph (6), by striking
7 “and” at the end;

8 (iii) in paragraph (7), by striking the
9 period and inserting “; and”; and

10 (iv) by adding at the end the fol-
11 lowing:

12 “(8) to enable the local educational agency, or
13 consortium of such agencies, or other organizations
14 partnered with such agency or consortium, to estab-
15 lish, expand, or strengthen inter-district and regional
16 magnet programs.”; and

17 (B) in subsection (b), by striking “the
18 State’s challenging academic content” and all
19 that follows through the period and inserting
20 “the challenging State academic standards
21 under section 1111(b)(1) or are directly related
22 to improving student academic, career, or tech-
23 nological skills and professional skills.”;

24 (6) in section 5208, as redesignated by section
25 5001(10)—

1 (A) in subsection (a), by striking “for a
2 period” and all that follows through the period
3 and inserting “for an initial period of not more
4 than 3 fiscal years, and may be renewed for not
5 more than an additional 2 years if the Sec-
6 retary finds that the recipient of a grant under
7 this part is achieving the intended outcomes of
8 the grant and shows improvement in increasing
9 student academic achievement, reducing minor-
10 ity group isolation, and increasing socio-
11 economic integration, or other indicators of suc-
12 cess established by the Secretary.”; and

13 (B) in subsection (d), by striking “July”
14 and inserting “June”; and

15 (7) in section 5209, as redesignated by section
16 5001(10)—

17 (A) in subsection (a), by striking
18 “\$125,000,000” and all that follows through
19 the period and inserting “such sums as may be
20 necessary for each of fiscal years 2016 through
21 2021.”;

22 (B) by redesignating subsection (b) as sub-
23 section (c); and

24 (C) by inserting after subsection (a) the
25 following:

1 “(b) RESERVATION FOR TECHNICAL ASSISTANCE.—
2 The Secretary may reserve not more than 1 percent of
3 the funds appropriated under subsection (a) for any fiscal
4 year to provide technical assistance and carry out dissemi-
5 nation projects with respect to magnet school programs
6 assisted under this part.”.

7 **SEC. 5004. SUPPORTING HIGH-ABILITY LEARNERS AND**
8 **LEARNING.**

9 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
10 tion 5001, is further amended by inserting after part B
11 the following:

12 **“PART C—SUPPORTING HIGH-ABILITY LEARNERS**
13 **AND LEARNING**

14 **“SEC. 5301. SHORT TITLE.**

15 “‘This part may be cited as the ‘Jacob K. Javits Gift-
16 ed and Talented Students Education Act of 2015’.

17 **“SEC. 5302. PURPOSE.**

18 “‘The purpose of this part is to initiate a coordinated
19 program of evidence-based research, demonstration
20 projects, innovative strategies, and similar activities de-
21 signed to build and enhance the ability of elementary
22 schools and secondary schools nationwide to meet the spe-
23 cial educational needs of gifted and talented students.

1 **“SEC. 5303. RULE OF CONSTRUCTION.**

2 “Nothing in this part shall be construed to prohibit
3 a recipient of funds under this part from serving gifted
4 and talented students simultaneously with students with
5 similar educational needs, in the same educational set-
6 tings, where appropriate.

7 **“SEC. 5304. AUTHORIZED PROGRAMS.**

8 “(a) ESTABLISHMENT OF PROGRAM.—

9 “(1) IN GENERAL.—The Secretary (after con-
10 sultation with experts in the field of the education
11 of gifted and talented students) is authorized to
12 make grants to, or enter into contracts with, State
13 educational agencies, local educational agencies, in-
14 stitutions of higher education, other public agencies,
15 and other private agencies and organizations to as-
16 sist such agencies, institutions, and organizations in
17 carrying out programs or projects authorized by this
18 part that are designed to meet the educational needs
19 of gifted and talented students, including the train-
20 ing of personnel in the education of gifted and tal-
21 ented students and in the use, where appropriate, of
22 gifted and talented services, materials, and methods
23 for all students.

24 “(2) APPLICATION.—Each entity seeking assist-
25 ance under this part shall submit an application to
26 the Secretary at such time, in such manner, and

1 containing such information as the Secretary may
2 reasonably require. Each such application shall de-
3 scribe how—

4 “(A) the proposed gifted and talented serv-
5 ices, materials, and methods can be adapted, if
6 appropriate, for use by all students; and

7 “(B) the proposed programs can be evalu-
8 ated.

9 “(b) USE OF FUNDS.—Programs and projects as-
10 sisted under this section may include each of the following:

11 “(1) Conducting evidence-based research on
12 methods and techniques for identifying and teaching
13 gifted and talented students and for using gifted and
14 talented programs and methods to serve all students.

15 “(2) Establishing and operating model projects
16 and exemplary programs for serving gifted and tal-
17 ented students, including innovative methods for
18 identifying and educating students who may not be
19 served by traditional gifted and talented programs
20 (such as summer programs, mentoring programs,
21 service learning programs, and cooperative programs
22 involving business, industry, and education).

23 “(3) Implementing innovative strategies, such
24 as cooperative learning, peer tutoring, and service
25 learning.

1 “(4) Carrying out programs of technical assist-
2 ance and information dissemination, including as-
3 sistance and information with respect to how gifted
4 and talented programs and methods, where appro-
5 priate, may be adapted for use by all students.

6 “(c) SPECIAL RULE.—To the extent that funds ap-
7 propriated to carry out this part for a fiscal year begin-
8 ning with fiscal year 2016 exceed such funds appropriated
9 for the program under subpart 6 of part D of title V, as
10 in effect for fiscal year 2010, the Secretary shall use such
11 excess funds to award grants, on a competitive basis, to
12 State educational agencies, local educational agencies, or
13 both, to implement activities described in subsection (b).

14 “(d) CENTER FOR RESEARCH AND DEVELOPMENT.—

15 “(1) IN GENERAL.—The Secretary (after con-
16 sultation with experts in the field of the education
17 of gifted and talented students) shall establish a Na-
18 tional Research Center for the Education of Gifted
19 and Talented Children and Youth through grants to,
20 or contracts with, one or more institutions of higher
21 education or State educational agencies, or a com-
22 bination or consortium of such institutions and
23 agencies and other public or private agencies and or-
24 ganizations, for the purpose of carrying out activities
25 described in subsection (b).

1 “(2) DIRECTOR.—The National Center shall be
2 headed by a Director. The Secretary may authorize
3 the Director to carry out such functions of the Na-
4 tional Center as may be agreed upon through ar-
5 rangements with institutions of higher education,
6 State educational agencies, local educational agen-
7 cies, or other public or private agencies and organi-
8 zations.

9 “(3) FUNDING.—The Secretary may use not
10 more than 30 percent of the funds made available
11 for fiscal year 2010 under subpart 6 of part D of
12 title V, as in effect for such fiscal year, to carry out
13 this subsection.

14 “(e) COORDINATION.—Evidence-based research ac-
15 tivities supported under this part—

16 “(1) shall be carried out in consultation with
17 the Institute of Education Sciences to ensure that
18 such activities are coordinated with and enhance the
19 research and development activities supported by the
20 Institute; and

21 “(2) may include collaborative evidence-based
22 research activities which are jointly funded and car-
23 ried out with such Institute.

1 **“SEC. 5305. PROGRAM PRIORITIES.**

2 “(a) GENERAL PRIORITY.—In carrying out this part,
3 the Secretary shall give highest priority to programs and
4 projects designed to develop new information that—

5 “(1) improves the capability of schools to plan,
6 conduct, and improve programs to identify and serve
7 gifted and talented students; and

8 “(2) assists schools in the identification of, and
9 provision of services to, gifted and talented students
10 (including economically disadvantaged individuals,
11 individuals who are English learners, and children
12 with disabilities) who may not be identified and
13 served through traditional assessment methods.

14 “(b) SERVICE PRIORITY.—The Secretary shall ensure
15 that not less than 50 percent of the applications approved
16 under section 5304(a)(2) in a fiscal year address the pri-
17 ority described in subsection (a)(2).

18 **“SEC. 5306. GENERAL PROVISIONS.**

19 “(a) PARTICIPATION OF PRIVATE SCHOOL CHILDREN
20 AND TEACHERS.—In making grants and entering into
21 contracts under this part, the Secretary shall ensure,
22 where appropriate, that provision is made for the equitable
23 participation of students and teachers in private nonprofit
24 elementary schools and secondary schools, including the
25 participation of teachers and other personnel in profes-
26 sional development programs serving such students.

1 “(b) REVIEW, DISSEMINATION, AND EVALUATION.—

2 The Secretary shall—

3 “(1) use a peer-review process in reviewing ap-
4 plications under this part;

5 “(2) ensure that information on the activities
6 and results of programs and projects funded under
7 this part is disseminated to appropriate State edu-
8 cational agencies, local educational agencies, and
9 other appropriate organizations, including nonprofit
10 private organizations; and

11 “(3) evaluate the effectiveness of programs
12 under this part in accordance with section 9601, in
13 terms of the impact on students traditionally served
14 in separate gifted and talented programs and on
15 other students, and submit the results of such eval-
16 uation to Congress not later than 2 years after the
17 date of enactment of the Every Child Achieves Act
18 of 2015.

19 “(c) PROGRAM OPERATIONS.—The Secretary shall
20 ensure that the programs under this part are administered
21 within the Department by a person who has recognized
22 professional qualifications and experience in the field of
23 the education of gifted and talented students and who
24 shall—

1 “(1) administer and coordinate the programs
2 authorized under this part;

3 “(2) serve as a focal point of national leader-
4 ship and information on the educational needs of
5 gifted and talented students and the availability of
6 educational services and programs designed to meet
7 such needs;

8 “(3) assist the Director of the Institute of Edu-
9 cation Sciences in identifying research priorities that
10 reflect the needs of gifted and talented students; and

11 “(4) disseminate, and consult on, the informa-
12 tion developed under this part with other offices
13 within the Department.

14 **“SEC. 5307. AUTHORIZATION OF APPROPRIATIONS.**

15 “‘There are authorized to be appropriated to carry out
16 this part such sums as may be necessary for each of fiscal
17 years 2016 through 2021.’”.

18 **SEC. 5005. EDUCATION INNOVATION AND RESEARCH.**

19 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
20 tion 5001, is further amended by inserting after part C,
21 as added by section 5004, the following:

1 that has been found to produce sizable, important
2 impacts under a mid-phase grant or other effort
3 meeting similar criteria, for the purpose of deter-
4 mining whether such impacts can be successfully re-
5 produced and sustained over time, and identifying
6 the conditions in which the program is most effec-
7 tive.

8 “(b) ELIGIBLE ENTITY.—In this section, the term
9 ‘eligible entity’ means any of the following:

10 “(1) A local educational agency.

11 “(2) A State educational agency.

12 “(3) A consortium of States educational agen-
13 cies or local educational agencies.

14 “(4) A State educational agency or a local edu-
15 cational agency, in partnership with—

16 “(A) a nonprofit organization;

17 “(B) a small business;

18 “(C) a charter management organization;

19 “(D) an educational service agency; or

20 “(E) an institution of higher education.

21 “(c) RURAL AREAS.—In awarding grants under sub-
22 section (a), the Secretary shall ensure that not less than
23 25 percent of the funds for any fiscal year are awarded
24 for projects that meet both of the following requirements:

25 “(1) The grantee is—

1 “(A) a local educational agency with an
2 urban-centric district locale code of 32, 33, 41,
3 42, or 43, as determined by the Secretary;

4 “(B) a consortium of such local edu-
5 cational agencies; or

6 “(C) an educational service agency or a
7 nonprofit organization in partnership with such
8 a local educational agency.

9 “(2) A majority of the schools to be served by
10 the project are designated with a school locale code
11 of 32, 33, 41, 42, or 43, or a combination of such
12 codes, as determined by the Secretary.

13 “(d) MATCHING FUNDS.—In order to receive a grant
14 under subsection (a), an eligible entity shall demonstrate
15 that the eligible entity will provide matching funds in an
16 amount equal to 10 percent of the funds provided under
17 a grant under this part, except that the Secretary may
18 waive the matching funds requirement, on a case-by-case
19 basis, upon a showing of exceptional circumstances, such
20 as—

21 “(1) the difficulty of raising matching funds for
22 a project to serve a rural area;

23 “(2) the difficulty of raising matching funds in
24 areas with a concentration of local educational agen-

1 cies or schools with a high percentage of students
2 aged 5 through 17—

3 “(A) who are in poverty, as counted in the
4 most recent census data approved by the Sec-
5 retary;

6 “(B) who are eligible for a free or reduced
7 priced lunch under the Richard B. Russell Na-
8 tional School Lunch Act;

9 “(C) whose families receive assistance
10 under the State program funded under part A
11 of title IV of the Social Security Act (42 U.S.C.
12 601 et seq.); or

13 “(D) who are eligible to receive medical as-
14 sistance under the Medicaid program; and

15 “(3) the difficulty of raising funds in des-
16 ignated tribal areas.

17 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to carry out this section
19 such sums as may be necessary for each of fiscal years
20 2016 through 2021.”.

21 **SEC. 5006. ACCELERATED LEARNING.**

22 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
23 tion 5001, is further amended by inserting after part D,
24 as added by section 5005, the following:

1 **“PART E—ACCELERATED LEARNING**

2 **“SEC. 5501. SHORT TITLE.**

3 “‘This part may be cited as the ‘Accelerated Learning
4 Act of 2015’.

5 **“SEC. 5502. PURPOSES.**

6 “‘The purposes of this part are—

7 “(1) to raise student academic achievement
8 through accelerated learning programs, including
9 Advanced Placement and International Baccalaureate programs, dual enrollment programs, and
10 laurate programs, dual enrollment programs, and
11 early college high schools that provide postsecondary-level instruction, examinations, or sequences
12 of courses that are widely accepted for credit at institutions of higher education;

13 “(2) to increase the number of students attending
14 high-need schools who enroll and succeed in accelerated learning courses, accelerated learning
15 examinations, dual enrollment programs, and early college high school courses;

16 “(3) to support efforts by States and local educational agencies to increase the availability of, and
17 enrollment in, accelerated learning courses, pre-accelerated learning courses, dual enrollment
18 programs, and early college high school courses in high-need schools; and
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1 “(4) to provide high-quality professional devel-
2 opment for teachers of accelerated learning courses,
3 pre-accelerated learning courses, dual enrollment
4 programs, and early college high school courses in
5 high-need schools.

6 **“SEC. 5503. FUNDING DISTRIBUTION RULE.**

7 “From amounts appropriated under section 5508 for
8 a fiscal year, the Secretary shall give priority to funding
9 activities under section 5504 and shall distribute any re-
10 maining funds under section 5505.

11 **“SEC. 5504. ACCELERATED LEARNING EXAMINATION FEE**
12 **PROGRAM.**

13 “(a) GRANTS AUTHORIZED.—From amounts made
14 available under section 5503 for a fiscal year, the Sec-
15 retary shall award grants to State educational agencies
16 having applications approved under this section to enable
17 the State educational agencies to reimburse low-income
18 students to cover part or all of the costs of accelerated
19 learning examination fees, if the low-income students—

20 “(1) are enrolled in accelerated learning
21 courses; and

22 “(2) plan to take accelerated learning examina-
23 tions.

24 “(b) AWARD BASIS.—In determining the amount of
25 the grant awarded to a State educational agency under

1 this section for a fiscal year, the Secretary shall consider
2 the number of children eligible to be counted under section
3 1124(c) in the State in relation to the number of such
4 children so counted in all States.

5 “(c) INFORMATION DISSEMINATION.—A State edu-
6 cational agency that is awarded a grant under this section
7 shall make publicly available information regarding the
8 availability of accelerated learning examination fee pay-
9 ments under this section, and shall disseminate such infor-
10 mation to eligible high school students and parents, in-
11 cluding through high school teachers and counselors.

12 “(d) APPLICATIONS.—Each State educational agency
13 desiring to receive a grant under this section shall submit
14 an application to the Secretary at such time, in such man-
15 ner, and accompanied by such information as the Sec-
16 retary may require. At a minimum, each State educational
17 agency application shall—

18 “(1) describe the accelerated learning examina-
19 tion fees the State educational agency will pay on
20 behalf of low-income students in the State from
21 grant funds awarded under this section;

22 “(2) provide an assurance that any grant funds
23 awarded under this section shall be used only to pay
24 for accelerated learning examination fees; and

1 “(3) contain such information as the Secretary
2 may require to demonstrate that the State edu-
3 cational agency will ensure that a student is eligible
4 for payments authorized under this section, includ-
5 ing ensuring that the student is a low-income stu-
6 dent.

7 “(e) REGULATIONS.—The Secretary shall prescribe
8 such regulations as are necessary to carry out this section.

9 “(f) REPORT.—

10 “(1) IN GENERAL.—Each State educational
11 agency awarded a grant under this section shall,
12 with respect to each accelerated learning course sub-
13 ject, annually report to the Secretary the following
14 data for the preceding year:

15 “(A) The number of students in the State
16 who are taking an accelerated learning course
17 in such subject.

18 “(B) The number of accelerated learning
19 examinations taken by students in the State
20 who have taken an accelerated learning course
21 in such subject.

22 “(C) The number of students in the State
23 scoring at each level on accelerated learning ex-
24 aminations in such subject, disaggregated by

1 race, ethnicity, sex, English proficiency status,
2 and socioeconomic status.

3 “(D) Demographic information regarding
4 students in the State taking accelerated learn-
5 ing courses and accelerated learning examina-
6 tions in such subject, disaggregated by race,
7 ethnicity, sex, English proficiency status, and
8 socioeconomic status.

9 “(2) REPORT TO CONGRESS.—The Secretary
10 shall annually compile the information received from
11 each State educational agency under paragraph (1)
12 and report to the authorizing committees of Con-
13 gress regarding the information.

14 “(g) BUREAU OF INDIAN EDUCATION AS STATE
15 EDUCATIONAL AGENCY.—For purposes of this section,
16 the Bureau of Indian Education shall be treated as a State
17 educational agency.

18 **“SEC. 5505. ACCELERATED LEARNING INCENTIVE PRO-**
19 **GRAM GRANTS.**

20 “(a) GRANTS AUTHORIZED.—

21 “(1) IN GENERAL.—From amounts made avail-
22 able under section 5503 for a fiscal year, the Sec-
23 retary shall award grants, on a competitive basis, to
24 eligible entities to enable such entities to carry out
25 the authorized activities described in subsection (e).

1 “(2) DURATION, RENEWAL, AND PAYMENTS.—

2 “(A) DURATION.—The Secretary shall
3 award a grant under this section for a period
4 of not more than 3 years.

5 “(B) RENEWAL.—The Secretary may
6 renew a grant awarded under this section for
7 an additional period of not more than 2 years,
8 if an eligible entity—

9 “(i) is achieving the objectives of the
10 grant; and

11 “(ii) has shown improvement against
12 baseline data on the performance measures
13 described in subparagraphs (A) through
14 (E) of subsection (g)(1).

15 “(C) PAYMENTS.—The Secretary shall
16 make grant payments under this section on an
17 annual basis.

18 “(b) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
19 tion, the term ‘eligible entity’ means—

20 “(1) a State educational agency;

21 “(2) a local educational agency; or

22 “(3) a partnership consisting of—

23 “(A) a national, regional, or statewide non-
24 profit organization, with expertise and experi-
25 ence in providing accelerated learning course

1 services, dual enrollment programs, and early
2 college high school courses; and

3 “(B) a State educational agency or local
4 educational agency.

5 “(c) APPLICATION.—

6 “(1) IN GENERAL.—Each eligible entity desir-
7 ing a grant under this section shall submit an appli-
8 cation to the Secretary at such time, in such man-
9 ner, and accompanied by such information as the
10 Secretary may require.

11 “(2) CONTENTS.—The application shall, at a
12 minimum, include a description of—

13 “(A) the goals and objectives for the
14 project supported by the grant under this sec-
15 tion, including—

16 “(i) increasing the number of teachers
17 serving high-need schools who are qualified
18 to teach accelerated learning courses, dual
19 enrollment programs, and early college
20 high school courses;

21 “(ii) increasing the number of acceler-
22 ated learning courses, dual enrollment pro-
23 grams, and early college high school
24 courses that are offered at high-need
25 schools; and

1 “(iii) increasing the number of stu-
2 dents attending a high-need school, par-
3 ticularly low-income students, who enroll
4 and succeed in—

5 “(I) accelerated learning courses;

6 “(II) if offered by the school,
7 pre-accelerated learning courses;

8 “(III) dual enrollment programs;

9 and

10 “(IV) early college high school
11 courses;

12 “(B) how the eligible entity will ensure
13 that students have access to courses that will
14 prepare students to enroll and succeed in accel-
15 erated learning courses, pre-accelerated learning
16 courses, dual enrollment programs, and early
17 college high school courses;

18 “(C) how the eligible entity will provide
19 professional development for teachers that will
20 further the goals and objectives of the grant
21 project;

22 “(D) how the eligible entity will ensure
23 that teachers serving high-need schools are
24 qualified to teach accelerated learning courses,

1 dual enrollment programs, and early college
2 high school courses;

3 “(E) how the eligible entity will provide for
4 the involvement of business and community or-
5 ganizations and other entities, including institu-
6 tions of higher education, in carrying out the
7 activities described in subsection (e);

8 “(F) how the eligible entity will use funds
9 received under this section; and

10 “(G) how the eligible entity will evaluate
11 the success of the grant project.

12 “(d) PRIORITY.—In awarding grants under this sec-
13 tion, the Secretary shall give priority to applications from
14 eligible entities that propose to carry out activities in a
15 local educational agency that is eligible under the small
16 rural school achievement program or the rural and low-
17 income school program authorized under subpart 1 or 2
18 of part B of title VI.

19 “(e) AUTHORIZED ACTIVITIES.—Each eligible entity
20 that receives a grant under this section may use grant
21 funds for—

22 “(1) high-quality teacher professional develop-
23 ment, in order to expand the pool of teachers in the
24 participating State, local educational agency, or
25 high-need school who are qualified to teach acceler-

1 ated learning courses, dual enrollment programs,
2 and early college high school courses, including
3 through innovative models such as online academies
4 and training institutes;

5 “(2) teacher and counselor high-quality profes-
6 sional development in high school to prepare stu-
7 dents for success in accelerated learning courses,
8 dual enrollment programs, and early college high
9 school courses;

10 “(3) coordination and articulation between
11 grade levels to prepare students to enroll and suc-
12 ceed in accelerated learning courses, dual enrollment
13 programs, and early college high school courses;

14 “(4) the purchase of instructional materials for
15 accelerated learning courses, dual enrollment pro-
16 grams, and early college high school courses;

17 “(5) activities to increase the availability of,
18 and participation in, online accelerated learning
19 courses, dual enrollment programs, and early college
20 high school courses;

21 “(6) carrying out the requirements of sub-
22 section (g); or

23 “(7) in the case of an eligible entity described
24 in subsection (b)(1), awarding subgrants to local
25 educational agencies to enable the local educational

1 agencies to carry out authorized activities described
2 in paragraphs (1) through (6).

3 “(f) CONTRACTS.—An eligible entity that is awarded
4 a grant to provide online courses under this section may
5 enter into a contract with an organization to provide accel-
6 erated learning courses, dual enrollment programs, and
7 early college high school courses, including contracting for
8 necessary support services.

9 “(g) COLLECTING AND REPORTING REQUIRE-
10 MENTS.—

11 “(1) REPORT.—Each eligible entity receiving a
12 grant under this section shall collect and report to
13 the Secretary annually such data regarding the re-
14 sults of the grant as the Secretary may reasonably
15 require, including—

16 “(A) the number of students served by the
17 eligible entity enrolling in accelerated learning
18 courses, pre-accelerated learning courses, dual
19 enrollment programs, and early college high
20 school courses, disaggregated by grade level of
21 the student, and the grades received by such
22 students in the courses;

23 “(B) the number of students taking an ac-
24 celerated learning examination and the distribu-
25 tion of scores on those examinations,

1 disaggregated by the grade level of the student
2 at the time of examination;

3 “(C) the number of teachers who are cur-
4 rently, as of the date of the report, receiving
5 training to teach accelerated learning courses,
6 dual enrollment programs, and early college
7 high school courses, and will teach such courses
8 in the next school year;

9 “(D) the number of teachers becoming
10 qualified to teach accelerated learning courses,
11 dual enrollment programs, and early college
12 high school courses; and

13 “(E) the number of qualified teachers who
14 are teaching accelerated learning courses, dual
15 enrollment programs, and early college high
16 school courses in high-need schools served by
17 the eligible entity.

18 “(2) REPORTING OF DATA.—Each eligible enti-
19 ty receiving a grant under this section shall report
20 the data required under paragraph (1)—

21 “(A) disaggregated by subject area;

22 “(B) in the case of student data,
23 disaggregated in the same manner as informa-
24 tion is disaggregated under section
25 1111(b)(2)(B)(xi); and

1 “(C) in a manner that allows for an as-
2 essment of the effectiveness of the grant pro-
3 gram.

4 “(h) EVALUATION.—The Secretary, acting through
5 the Director of the Institute of Education Sciences, shall,
6 in consultation with the relevant program office at the De-
7 partment, evaluate the implementation and impact of the
8 activities supported under this section, including progress
9 as measured by the performance measures established
10 under subparagraphs (A) through (E) of subsection
11 (g)(1).

12 “(i) MATCHING REQUIREMENT.—

13 “(1) IN GENERAL.—Each eligible entity that re-
14 ceives a grant under this section shall provide to-
15 ward the cost of the activities assisted under the
16 grant, from non-Federal sources, an amount equal
17 to 100 percent of the amount of the grant, except
18 that an eligible entity that is a high-need local edu-
19 cational agency, as determined by the Secretary,
20 shall provide an amount equal to not more than 50
21 percent of the amount of the grant.

22 “(2) MATCHING FUNDS.—The eligible entity
23 may provide the matching funds described in para-
24 graph (1) in cash or in-kind, fairly evaluated, but
25 may not provide more than 50 percent of the match-

1 ing funds in-kind. The eligible entity may provide
2 the matching funds from State, local, or private
3 sources.

4 “(3) WAIVER.—The Secretary may waive all or
5 part of the matching requirement described in para-
6 graph (1) for any fiscal year for an eligible entity if
7 the Secretary determines that applying the matching
8 requirement to such eligible entity would result in
9 serious hardship or an inability to carry out the au-
10 thorized activities described in subsection (e).

11 **“SEC. 5506. SUPPLEMENT, NOT SUPPLANT.**

12 “Grant funds provided under this part shall supple-
13 ment, and not supplant, other non-Federal funds that are
14 available to assist low-income students to pay for the cost
15 of accelerated learning fees or to expand access to acceler-
16 ated learning and pre-accelerated learning courses.

17 **“SEC. 5507. DEFINITIONS.**

18 “In this part:

19 “(1) ACCELERATED LEARNING COURSE.—The
20 term ‘accelerated learning course’ means—

21 “(A) a course of postsecondary-level in-
22 struction provided to middle or high school stu-
23 dents, terminating in an Advanced Placement
24 or International Baccalaureate examination; or

1 “(B) another highly rigorous, evidence-
2 based, postsecondary preparatory program ter-
3 minating in—

4 “(i) an examination or sequence of
5 courses that are widely accepted for credit
6 at institutions of higher education; or

7 “(ii) another examination or sequence
8 of courses approved by the Secretary.

9 “(2) ACCELERATED LEARNING EXAMINA-
10 TION.—The term ‘accelerated learning examination’
11 means an Advanced Placement examination adminis-
12 tered by the College Board, an International Baccalaureate
13 examination administered by the Inter-
14 national Baccalaureate, an examination that is wide-
15 ly accepted for college credit, or another such exam-
16 ination approved by the Secretary.

17 “(3) DUAL ENROLLMENT PROGRAM.—The term
18 ‘dual enrollment’ means a program through which a
19 high school student—

20 “(A) takes courses offered through an in-
21 stitution of higher education while the student
22 is enrolled in high school; and

23 “(B) earns both secondary school and post-
24 secondary credit for the courses described in
25 subparagraph (A).

1 “(4) EARLY COLLEGE HIGH SCHOOL.—The
2 term ‘early college high school’ means a high school
3 that provides a course of study that enables a stu-
4 dent to earn a high school diploma and either an as-
5 sociate’s degree or 1 to 2 years of postsecondary
6 credit toward a postsecondary degree or credential.

7 “(5) HIGH-NEED SCHOOL.—The term ‘high-
8 need school’ means a high school—

9 “(A) with a demonstrated need for Ad-
10 vanced Placement or International Baccalaureate
11 courses, dual enrollment programs, or
12 early college high school courses; and

13 “(B) that—

14 “(i) has a high concentration of low-
15 income students; or

16 “(ii) is a local educational agency that
17 is eligible, as determined by the Secretary,
18 under the small, rural school achievement
19 program, or the rural and low-income
20 school program, authorized under subpart
21 1 or 2 of part B of title VI.

22 “(6) LOW-INCOME STUDENT.—The term ‘low-
23 income student’ means a student who is eligible for
24 a free or reduced-price lunch under the school lunch
25 program established under the Richard B. Russell

1 National School Lunch Act (42 U.S.C. 1751 et
2 seq.).

3 **“SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.**

4 “There are authorized to be appropriated to carry out
5 this part such sums as may be necessary for each of fiscal
6 years 2016 through 2021.”.

7 **SEC. 5007. READY-TO-LEARN TELEVISION.**

8 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
9 tion 5001, is further amended by inserting after part E,
10 as added by section 5006, the following:

11 **“PART F—READY-TO-LEARN TELEVISION**

12 **“SEC. 5601. READY-TO-LEARN.**

13 “(a) PROGRAM AUTHORIZED; READY-TO-LEARN.—

14 “(1) IN GENERAL.—The Secretary is authorized
15 to award grants to, or enter into contracts or coop-
16 erative agreements with, eligible entities described in
17 paragraph (3) to enable such entities—

18 “(A) to develop, produce, and distribute
19 educational and instructional video program-
20 ming for preschool and elementary school chil-
21 dren and their parents in order to facilitate stu-
22 dent academic achievement;

23 “(B) to facilitate the development, directly
24 or through contracts with producers of children
25 and family educational television programming,

1 of educational programming for preschool and
2 elementary school children, and the accom-
3 panying support materials and services that
4 promote the effective use of such programming;

5 “(C) to facilitate the development of pro-
6 gramming and digital content containing
7 Ready-to-Learn-based children’s programming
8 and resources for parents and caregivers that is
9 specially designed for nationwide distribution
10 over public television stations’ digital broad-
11 casting channels and the Internet;

12 “(D) to contract with entities (such as
13 public telecommunications entities) so that pro-
14 grams developed under this section are dissemi-
15 nated and distributed to the widest possible au-
16 dience appropriate to be served by the program-
17 ming, and through the use of the most appro-
18 priate distribution technologies; and

19 “(E) to develop and disseminate education
20 and training materials, including interactive
21 programs and programs adaptable to distance
22 learning technologies, that are designed—

23 “(i) to promote school readiness; and

24 “(ii) to promote the effective use of
25 materials developed under subparagraphs

1 (B) and (C) among parents, teachers,
2 Head Start providers, providers of family
3 literacy services, child care providers, early
4 childhood development personnel, elemen-
5 tary school teachers, public libraries, and
6 after-school program personnel caring for
7 preschool and elementary school children.

8 “(2) AVAILABILITY.—In awarding or entering
9 into grants, contracts, or cooperative agreements
10 under this section, the Secretary shall ensure that
11 eligible entities make programming widely available,
12 with support materials as appropriate, to young chil-
13 dren, parents, child care workers, Head Start pro-
14 viders, and providers of family literacy services to in-
15 crease the effective use of such programming.

16 “(3) ELIGIBLE ENTITIES.—To be eligible to re-
17 ceive a grant, contract, or cooperative agreement
18 under this section, an entity shall be a public tele-
19 communications entity that is able to demonstrate
20 each of the following:

21 “(A) A capacity for the development and
22 national distribution of educational and instruc-
23 tional television programming of high quality
24 that is accessible by a large majority of dis-

1 advantaged preschool and elementary school
2 children.

3 “(B) A capacity to contract with the pro-
4 ducers of children’s television programming for
5 the purpose of developing educational television
6 programming of high quality.

7 “(C) A capacity, consistent with the enti-
8 ty’s mission and nonprofit nature, to negotiate
9 such contracts in a manner that returns to the
10 entity an appropriate share of any ancillary in-
11 come from sales of any program-related prod-
12 ucts.

13 “(D) A capacity to localize programming
14 and materials to meet specific State and local
15 needs and to provide educational outreach at
16 the local level.

17 “(4) COORDINATION OF ACTIVITIES.—An entity
18 receiving a grant, contract, or cooperative agreement
19 under this section shall consult with the Secretary
20 and the Secretary of Health and Human Services—

21 “(A) to maximize the utilization of quality
22 educational programming by preschool and ele-
23 mentary school children, and make such pro-
24 gramming widely available to federally funded
25 programs serving such populations; and

1 “(B) to coordinate activities with Federal
2 programs that have major training components
3 for early childhood development, including pro-
4 grams under the Head Start Act (42 U.S.C.
5 9831 et seq.) and State training activities fund-
6 ed under the Child Care and Development
7 Block Grant Act of 1990 (42 U.S.C. 9858 et
8 seq.), regarding the availability and utilization
9 of materials developed under paragraph (1)(E)
10 to enhance parent and child care provider skills
11 in early childhood development and education.

12 “(b) APPLICATIONS.—To be eligible to receive a
13 grant, contract, or cooperative agreement under sub-
14 section (a), an entity shall submit to the Secretary an ap-
15 plication at such time, in such manner, and containing
16 such information as the Secretary may reasonably require.

17 “(c) REPORTS AND EVALUATIONS.—

18 “(1) ANNUAL REPORT TO THE SECRETARY.—
19 An entity receiving a grant, contract, or cooperative
20 agreement under this section shall prepare and sub-
21 mit to the Secretary an annual report that contains
22 such information as the Secretary may require. At
23 a minimum, the report shall describe the program
24 activities undertaken with funds received under the

1 grant, contract, or cooperative agreement, including
2 each of the following:

3 “(A) The programming that has been de-
4 veloped, directly or indirectly, by the eligible en-
5 tity, and the target population of the programs
6 developed.

7 “(B) The support and training materials
8 that have been developed to accompany the pro-
9 gramming, and the method by which the mate-
10 rials are distributed to consumers and users of
11 the programming.

12 “(C) The means by which programming
13 developed under this section has been distrib-
14 uted, including the distance learning tech-
15 nologies that have been utilized to make pro-
16 gramming available, and the geographic dis-
17 tribution achieved through such technologies.

18 “(D) The initiatives undertaken by the en-
19 tity to develop public-private partnerships to se-
20 cure non-Federal support for the development,
21 distribution, and broadcast of educational and
22 instructional programming.

23 “(2) REPORT TO CONGRESS.—The Secretary
24 shall prepare and submit to the Committee on
25 Health, Education, Labor, and Pensions of the Sen-

1 ate and the Committee on Education and the Work-
2 force of the House of Representatives a biannual re-
3 port that includes the following:

4 “(A) A summary of the activities assisted
5 under subsection (a).

6 “(B) A description of the education and
7 training materials made available under sub-
8 section (a)(1)(E), the manner in which outreach
9 has been conducted to inform parents and child
10 care providers of the availability of such mate-
11 rials, and the manner in which such materials
12 have been distributed in accordance with such
13 subsection.

14 “(d) ADMINISTRATIVE COSTS.—An entity that re-
15 ceives a grant, contract, or cooperative agreement under
16 this section may use up to 5 percent of the amount re-
17 ceived under the grant, contract, or agreement for the nor-
18 mal and customary expenses of administering the grant,
19 contract, or agreement.

20 “(e) FUNDING RULE.—Not less than 60 percent of
21 the amount appropriated under subsection (f) for each fis-
22 cal year shall be used to carry out activities under sub-
23 paragraphs (B) through (D) of subsection (a)(1).

24 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated to carry out this part

1 such sums as may be necessary for each of fiscal years
2 2016 through 2021.”.

3 **SEC. 5008. INNOVATIVE TECHNOLOGY EXPANDS CHIL-**
4 **DREN’S HORIZONS (I-TECH).**

5 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
6 tion 5001, is further amended by inserting after part F,
7 as added by section 5007, the following:

8 **“PART G—INNOVATIVE TECHNOLOGY EXPANDS**
9 **CHILDREN’S HORIZONS (I-TECH)**

10 **“SEC. 5701. PURPOSES.**

11 “The purposes of this part are—

12 “(1) to improve the achievement, academic
13 growth, and college and career readiness of all stu-
14 dents;

15 “(2) to ensure all students have access to per-
16 sonalized, rigorous learning experiences that are
17 supported through technology;

18 “(3) to ensure that educators have the knowl-
19 edge and skills to use technology, including com-
20 puter-based assessments and blended learning strat-
21 egies, to personalize learning;

22 “(4) to ensure district and school leaders have
23 the skills required to implement, and support school-
24 and district-wide approaches for using technology to

1 inform instruction, support teacher collaboration,
2 and personalize learning;

3 “(5) to ensure that students in rural, remote,
4 and underserved areas have the resources to take
5 advantage of high-quality digital learning experi-
6 ences, digital resources, and access to online courses
7 taught by effective educators;

8 “(6) to ensure that students have increased ac-
9 cess to online dual and concurrent enrollment oppor-
10 tunities, career and technical courses, and programs
11 leading to a recognized postsecondary credential (as
12 defined in section 3 of the Workforce Innovation and
13 Opportunity Act (29 U.S.C. 3102)), and courses
14 taught by educators, including advanced coursework;
15 and

16 “(7) to ensure that State educational agencies,
17 local educational agencies, elementary schools, and
18 secondary schools have the technological capacity,
19 infrastructure, and technical support necessary to
20 meet purposes described in paragraphs (1) through
21 (6).

22 **“SEC. 5702. DEFINITIONS.**

23 “In this part:

24 “(1) **DIGITAL LEARNING.**—The term ‘digital
25 learning’ means any instructional practice that effec-

1 tively uses technology to strengthen a student’s
2 learning experience and encompasses a wide spec-
3 trum of tools and practices, including—

4 “(A) interactive learning resources that en-
5 gage students in academic content;

6 “(B) access to online databases and other
7 primary source documents;

8 “(C) the use of data, data analytics, and
9 information to personalize learning and provide
10 targeted supplementary instruction;

11 “(D) student collaboration with content ex-
12 perts and peers;

13 “(E) online and computer-based assess-
14 ments;

15 “(F) digital learning content, software, or
16 simulations;

17 “(G) access to online courses;

18 “(H) mobile devices for learning in school
19 and at home;

20 “(I) learning environments that allow for
21 rich collaboration and communication;

22 “(J) hybrid or blended learning, which oc-
23 curs under direct instructor supervision at a
24 school or other location away from home and,
25 at least in part, through online delivery of in-

1 struction with some element of student control
2 over time, place, path, or pace;

3 “(K) access to online course opportunities
4 for students in rural or remote areas; and

5 “(L) discovery, modification, and sharing
6 of openly licensed digital learning materials.

7 “(2) ELIGIBLE TECHNOLOGY.—The term ‘eligi-
8 ble technology’ means modern computer, and com-
9 munication technology software, services, or tools,
10 including computer or mobile devices, software appli-
11 cations, systems and platforms, and digital learning
12 content, and related services and supports.

13 “(3) TECHNOLOGY READINESS SURVEY.—The
14 term ‘technology readiness survey’ means a survey
15 completed by a local educational agency that pro-
16 vides standardized information on the quantity and
17 types of technology infrastructure and access avail-
18 able to the students and in the community served by
19 the local educational agency, including computer de-
20 vices, access to school libraries, Internet
21 connectivity, operating systems, related network in-
22 frastructure, data systems, educator professional
23 learning needs and priorities, and data security.

24 “(4) UNIVERSAL DESIGN FOR LEARNING.—The
25 term ‘universal design for learning’ has the meaning

1 given the term in section 103 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1003).

3 **“SEC. 5703. TECHNOLOGY GRANTS PROGRAM AUTHORIZED.**

4 “(a) IN GENERAL.—From the amounts appropriated
5 under section 5708, the Secretary may reserve not more
6 than 1.5 percent for national activities to support grantees
7 and shall award the remainder to State educational agen-
8 cies to strengthen State and local technological infrastruc-
9 ture and professional learning that supports digital learn-
10 ing through State activities under section 5705(c) and
11 local activities under section 5706(c).

12 “(b) GRANTS TO STATE EDUCATIONAL AGENCIES.—

13 “(1) RESERVATIONS.—From the amounts ap-
14 propriated under section 5708 for any fiscal year,
15 the Secretary shall reserve—

16 “(A) three-fourths of 1 percent for the
17 Secretary of the Interior to provide assistance
18 under this part for schools operated or funded
19 by the Bureau of Indian Education; and

20 “(B) 1 percent to provide assistance under
21 this part to the outlying areas.

22 “(2) GRANT ALLOTMENTS.—From the amounts
23 appropriated under section 5708 for any fiscal year
24 and remaining after the Secretary makes reserva-
25 tions under paragraph (1), the Secretary shall make

1 a grant for the fiscal year to each State educational
2 agency with an approved application under section
3 5704 in an amount that bears the same relationship
4 to such remainder as the amount the State edu-
5 cational agency received under part A of title I for
6 such year bears to the amount all State educational
7 agencies with an approved application under section
8 5704 received under such part for such year.

9 “(c) MINIMUM.—The amount of a grant to a State
10 educational agency under subsection (b)(2) for a fiscal
11 year shall not be less than one-half of 1 percent of the
12 total amount made available for grants to all State edu-
13 cational agencies under such subsection for such year.

14 “(d) REALLOTMENT OF UNUSED FUNDS.—If any
15 State educational agency does not apply for a grant under
16 section 5704 for a fiscal year, or does not use the State
17 educational agency’s entire grant allotment under sub-
18 section (b)(2) for such year, the Secretary shall reallocate the
19 amount of the State educational agency’s grant, or the un-
20 used portion of the grant allotment, to the remaining
21 State educational agencies that use their entire grant
22 amounts under subsection (b)(2) for such year.

23 “(e) MATCHING FUNDS.—

24 “(1) IN GENERAL.—A State educational agency
25 that receives a grant under subsection (b)(2) shall

1 provide matching funds, from non-Federal sources,
2 in an amount equal to 10 percent of the amount of
3 grant funds provided to the State educational agency
4 to carry out the activities supported by the grant.
5 Such matching funds may be provided in cash or in-
6 kind, except that any such in-kind contributions
7 shall be provided for the purpose of supporting the
8 State educational agency's activities under section
9 5705(c).

10 “(2) WAIVER.—The Secretary may waive the
11 matching requirement under paragraph (1) for a
12 State educational agency that demonstrates that
13 such requirement imposes an undue financial hard-
14 ship on the State educational agency.

15 **“SEC. 5704. STATE APPLICATIONS.**

16 “(a) APPLICATION.—To receive a grant under section
17 5703(b)(2), a State educational agency shall submit to the
18 Secretary an application at such time and in such manner
19 as the Secretary may require and containing the informa-
20 tion described in subsection (b).

21 “(b) CONTENTS.—Each application submitted under
22 subsection (a) shall include the following:

23 “(1) A description of how the State educational
24 agency will meet the following goals:

1 “(A) Use technology to ensure all students
2 achieve college and career readiness and digital
3 literacy, including by providing high-quality
4 education opportunities to economically or geo-
5 graphically isolated student populations.

6 “(B) Provide educators, school leaders,
7 and administrators with the professional learn-
8 ing tools, devices, content, and resources to—

9 “(i) personalize learning to improve
10 student academic achievement; and

11 “(ii) discover, adapt, and share rel-
12 evant high-quality open educational re-
13 sources.

14 “(C) Enable local educational agencies to
15 build the technological capacity and infrastruc-
16 ture.

17 “(2) An assurance that each local educational
18 awarded a subgrant under this part has conducted
19 a technology readiness survey and will take steps to
20 address the readiness gaps identified not later than
21 3 years after the completion of the survey by the
22 local educational agency.

23 “(3) An assurance that the State educational
24 agency will ensure that the State educational agen-

1 cy's technology systems and school-based technology
2 systems are interoperable.

3 “(4) An assurance that the State educational
4 agency will consider making content widely available
5 through open educational resources when making
6 purchasing decisions with funds received under this
7 part.

8 “(5) A description of how the State educational
9 agency will award subgrants to local educational
10 agencies under section 5706.

11 “(6) A description of the process, activities, and
12 performance measures that the State educational
13 agency will use to evaluate the impact and effective-
14 ness of the grant and subgrant funds awarded under
15 this part across the State and in each local edu-
16 cational agency.

17 “(7) An assurance that the State educational
18 agency consulted with local educational agencies in
19 the development of the State educational agency's
20 application under this subsection.

21 “(8) An assurance that the State educational
22 agency will provide matching funds as required
23 under section 5703(e).

24 “(9) An assurance that the State educational
25 agency will protect the privacy and safety of stu-

1 dents and teachers, consistent with requirements of
2 section 444 of the General Education Provisions Act
3 (20 U.S.C. 1232g) (commonly known as the ‘Family
4 Educational Rights and Privacy Act of 1974’) and
5 section 445 of the General Education Provisions Act
6 (20 U.S.C. 1232h).

7 “(10) An assurance that funds made available
8 under this part shall be used to supplement, and not
9 supplant, any other Federal, State, or local funds
10 that would otherwise be available to carry out the
11 activities assisted under this part.

12 **“SEC. 5705. STATE USE OF GRANT FUNDS.**

13 “(a) RESERVATION FOR SUBGRANTS TO SUPPORT
14 TECHNOLOGY INFRASTRUCTURE.—Each State edu-
15 cational agency that receives a grant under section
16 5703(b)(2) shall expend not less than 90 percent of the
17 grant amount for each fiscal year to award subgrants to
18 local educational agencies in accordance with section
19 5706.

20 “(b) RESERVATION FOR STATE ACTIVITIES.—

21 “(1) IN GENERAL.—A State educational agency
22 shall reserve not more than 10 percent of the grant
23 received under section 5703(b)(2) for the State ac-
24 tivities described in subsection (c).

25 “(2) GRANT ADMINISTRATION.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), of the amount reserved by a State
3 educational agency under paragraph (1), the
4 State educational agency may reserve for the
5 administration of the grant under this part not
6 more than—

7 “(i) 1 percent in the case of a State
8 educational agency awarding subgrants
9 under section 5706(a)(1); or

10 “(ii) 3 percent in the case of a State
11 educational agency awarding subgrants
12 under section 5706(a)(2).

13 “(B) SPECIAL RULE.—Notwithstanding
14 subparagraph (A), a State educational agency
15 that forms a State purchasing consortium
16 under subsection (d)—

17 “(i) may reserve an additional 1 per-
18 cent to carry out the activities described in
19 subsection (d)(1); and

20 “(ii) may reserve amounts in addition
21 to the percentage described in clause (i) if
22 the State purchasing consortium receives
23 direct approval from the local educational
24 agencies receiving subgrants under section
25 5706(a) from the State educational agency

1 prior to reserving more than the additional
2 percentage authorized under clause (i).

3 “(c) STATE ACTIVITIES.—A State educational agency
4 may use funds described in subsection (b) to carry out
5 each of the following:

6 “(1) Except for the awarding of subgrants in
7 accordance with section 5706, activities described in
8 the State educational agency’s application under sec-
9 tion 5704(b).

10 “(2) Providing technical assistance to local edu-
11 cational agencies to—

12 “(A) identify and address technology readi-
13 ness needs, as determined by the technology
14 readiness surveys;

15 “(B) use technology, consistent with the
16 principles of universal design for learning, to
17 support the learning needs of all students, in-
18 cluding children with disabilities and English
19 learners;

20 “(C) build capacity for principals and local
21 educational agency administrators to support
22 teachers in using data and technology to im-
23 prove teaching and personalize learning;

24 “(D) ensure that contractual requirements
25 for third parties that have access to student

1 data, its storage, or provide analytics on stu-
2 dent data provide privacy protections consistent
3 with the requirements of section 444 of the
4 General Education Provisions Act (20 U.S.C.
5 1232g) (commonly known as the ‘Family Edu-
6 cational Rights and Privacy Act of 1974’); and

7 “(E) provide tools and processes to sup-
8 port the creation, modification, and distribution
9 of open educational resources.

10 “(3) Developing or utilizing research-based or
11 innovative strategies for the delivery of specialized or
12 rigorous academic courses and curricula through the
13 use of technology, including digital learning tech-
14 nologies and assistive technology.

15 “(4) Integrating and coordinating activities
16 under this part with other educational resources and
17 programs across the State.

18 “(5) Disseminating information, including mak-
19 ing publicly available on the website of the State
20 educational agency, promising practices to improve
21 technology instruction, best practices for data secu-
22 rity, and acquiring and implementing technology
23 tools and applications.

24 “(6) Ensuring that teachers, paraprofessionals,
25 library and media personnel, specialized instructional

1 support personnel, and administrators possess the
2 knowledge and skills to use technology to meet the
3 goals described in section 5704(b)(1).

4 “(7) Coordinating with teacher, principal, and
5 other school leader preparation programs to ensure
6 that preservice teachers, principals, and other school
7 leaders have the skills to implement digital learning
8 programs effectively.

9 “(8) Supporting schools in rural and remote
10 areas to expand access to high-quality digital learn-
11 ing opportunities.

12 “(d) PURCHASING CONSORTIA.—

13 “(1) IN GENERAL.—A State educational agency
14 receiving a grant under section 5703(b)(2) may—

15 “(A) form a State purchasing consortium
16 with 1 or more State educational agencies re-
17 ceiving such a grant to carry out the State ac-
18 tivities described in subsection (c), including
19 purchasing eligible technology;

20 “(B) encourage local educational agencies
21 to form local purchasing consortia under section
22 5706(c)(4); and

23 “(C) promote pricing opportunities to local
24 educational agencies for the purchase of eligible
25 technology that are—

1 “(i) negotiated by the State edu-
2 cational agency or the State purchasing
3 consortium of the State educational agen-
4 cy; and

5 “(ii) available to such local edu-
6 cational agencies.

7 “(2) RESTRICTIONS.—A State educational
8 agency receiving a grant under section 5703(b)(2)
9 shall not—

10 “(A) except for promoting the pricing op-
11 portunities described in paragraph (1)(C), make
12 recommendations to local educational agencies
13 for, or require, use of any specific commercial
14 products and services by local educational agen-
15 cies;

16 “(B) require local educational agencies to
17 participate in a State purchasing consortia or
18 local purchasing consortia; or

19 “(C) use more than the amount reserved
20 under subsection (b) to carry out the activities
21 described in paragraph (1), unless the State
22 educational agency receives approval in accord-
23 ance with subsection (b)(2)(B).

24 **“SEC. 5706. LOCAL SUBGRANTS.**

25 “(a) SUBGRANTS.—

1 “(1) GRANTS TO LOCAL EDUCATIONAL AGEN-
2 CIES.—From the grant funds provided under section
3 5703(b)(2) to a State educational agency that are
4 remaining after the State educational agency makes
5 reservations under section 5705(b) for any fiscal
6 year and subject to paragraph (2), the State edu-
7 cational agency shall award subgrants for the fiscal
8 year to local educational agencies served by the
9 State educational agency and with an approved ap-
10 plication under subsection (b) by allotting to each
11 such local educational agency an amount that bears
12 the same relationship to the remainder as the
13 amount received by the local educational agency
14 under part A of title I for such year bears to the
15 amount received by all such local educational agen-
16 cies under such part for such year, except that no
17 local educational agency may receive less than
18 \$20,000 for a year.

19 “(2) COMPETITIVE GRANTS TO LOCAL EDU-
20 CATIONAL AGENCIES.—If the amount of funds ap-
21 propriated under section 5708 is less than
22 \$300,000,000 for any fiscal year, a State edu-
23 cational agency—

24 “(A) shall not award subgrants under
25 paragraph (1); and

1 “(B) shall—

2 “(i) award subgrants, on a competi-
3 tive basis, to local educational agencies
4 based on the quality of applications sub-
5 mitted under subsection (b), including—

6 “(I) the level of technology readi-
7 ness, as determined by the technology
8 readiness surveys completed by local
9 educational agencies submitting such
10 applications; and

11 “(II) the technology plans de-
12 scribed in subsection (b)(4) and how
13 the local educational agencies with
14 such plans will carry out the align-
15 ment and coordination described in
16 such subsection;

17 “(ii) give priority to local educational
18 agencies that have demonstrated substan-
19 tial need for assistance in acquiring and
20 using technology, based on the agency’s
21 technology readiness survey; and

22 “(iii) give priority to schools that
23 serve students in rural and remote areas,
24 schools identified under section 1114 as in
25 need of intervention and support and the

1 persistently lowest achieving schools, or
2 schools with a high percentage of students
3 aged 5 through 17 who are in poverty, as
4 counted in the most recent census data ap-
5 proved by the Secretary, who are eligible
6 for a free or reduced priced lunch under
7 the Richard B. Russell National School
8 Lunch Act, in families receiving assistance
9 under the State program funded under
10 part A of title IV of the Social Security
11 Act, or eligible to receive medical assist-
12 ance under the Medicaid program.

13 “(3) DEFINITION OF LOCAL EDUCATIONAL
14 AGENCY FOR CERTAIN FISCAL YEARS.—For pur-
15 poses of awarding subgrants under paragraph (2),
16 the term ‘local educational agency’ means—

17 “(A) a local educational agency;

18 “(B) an educational service agency; or

19 “(C) a local educational agency and an
20 educational service agency.

21 “(b) APPLICATION.—A local educational agency that
22 desires to receive a subgrant under subsection (a) shall
23 submit an application to the State at such time, in such
24 manner, and accompanied by such information as the
25 State educational agency may require, such as—

1 “(1) a description of how the local educational
2 agency will carry out the goals described in subpara-
3 graphs (A) through (C) of section 5704(b)(1);

4 “(2) a description of the results of the tech-
5 nology readiness survey completed by the local edu-
6 cational agency and a description of the plan for the
7 local educational agency to meet the goals described
8 in paragraph (1) within 3 years of completing the
9 survey;

10 “(3) a description of the local educational agen-
11 cy’s technology plan to carry out paragraphs (1) and
12 (3) and how the agency will align and coordinate the
13 activities under this section with other activities
14 across the local educational agency;

15 “(4) a description of the team of educators who
16 will coordinate and carry out the activities under
17 this section, including individuals with responsibility
18 and expertise in instructional technology, teachers
19 that specialize in supporting students who are chil-
20 dren with disabilities and English learners, other
21 school leaders, library and media personnel, tech-
22 nology officers, and staff responsible for assessments
23 and data;

24 “(5) a description of how the local educational
25 agency will build capacity for principals, other school

1 leaders, and local educational agency administrators
2 to support teachers in developing data literacy skills
3 and in implementing digital tools to support teach-
4 ing and learning;

5 “(6) a description of how the local educational
6 agency will procure content and ensure content qual-
7 ity; and

8 “(7) an assurance that the local educational
9 agency will protect the privacy and safety of stu-
10 dents and teachers, consistent with requirements
11 section 444 of the General Education Provisions Act
12 (20 U.S.C. 1232g) (commonly known as the ‘Family
13 Educational Rights and Privacy Act of 1974’).

14 “(c) USE OF FUNDS.—

15 “(1) PROFESSIONAL DEVELOPMENT IN DIGITAL
16 LEARNING.—Subject to paragraph (3), a local edu-
17 cational agency receiving a subgrant under sub-
18 section (a) shall use not less than 50 percent of such
19 funds to carry out professional development in dig-
20 ital learning for teachers, principals, other school
21 leaders, paraprofessionals, library and media per-
22 sonnel, specialized instructional support personnel,
23 technology coordinators, and administrators in the
24 use of technology to support student learning.

1 “(2) TECHNOLOGY INFRASTRUCTURE.—Subject
2 to paragraph (3), a local educational agency receiv-
3 ing a subgrant under subsection (a) shall use not
4 less than 25 percent of such funds to support activi-
5 ties for the acquisition of eligible technology needed
6 to—

7 “(A) except for the activities described in
8 paragraph (1), carry out activities described in
9 the application submitted under subsection (b),
10 including purchasing devices, equipment, and
11 software applications; and

12 “(B) address readiness shortfalls identified
13 under the technology readiness survey com-
14 pleted by the local educational agency.

15 “(3) MODIFICATION OF FUNDING ALLOCA-
16 TIONS.—A State educational agency may authorize a
17 local educational agency to modify the percentage of
18 the local educational agency’s subgrant funds re-
19 quired to carry out the activities described in para-
20 graph (1) or (2) if the local educational agency dem-
21 onstrates that such modification will assist the local
22 educational agency in more effectively carrying out
23 such activities.

1 “(4) PURCHASING CONSORTIA.—Local edu-
2 cational agencies receiving subgrants under sub-
3 section (a) may—

4 “(A) form a local purchasing consortia
5 with other such local educational agencies to
6 carry out the activities described in this sub-
7 section, including purchasing eligible tech-
8 nology; and

9 “(B) use such funds for purchasing eligible
10 technology through a State purchasing con-
11 sortia under section 5706(d).

12 “(5) BLENDED LEARNING PROJECTS.—

13 “(A) IN GENERAL.—A local educational
14 agency receiving a subgrant under subsection
15 (a) may use such funds to carry out a blended
16 learning project, which shall include at least 1
17 of the following activities:

18 “(i) Planning activities, which may in-
19 clude development of new instructional
20 models (including blended learning tech-
21 nology software and platforms), the pur-
22 chase of digital instructional resources, ini-
23 tial professional development activities, and
24 one-time information technology purchases,
25 except that such expenditures may not in-

1 clude expenditures related to significant
2 construction or renovation of facilities.

3 “(ii) Ongoing professional develop-
4 ment for teachers, principals, other school
5 leaders, or other personnel involved in the
6 project that is designed to support the im-
7 plementation and academic success of the
8 project.

9 “(B) NON-FEDERAL MATCH.—A local edu-
10 cational agency that carries out a blended
11 learning project under this paragraph shall pro-
12 vide non-Federal matching funds equal to not
13 less than 10 percent of the amount of funds
14 used to carry out such project that shall be
15 used to carry out such project.

16 “(C) DEFINITION OF BLENDED LEARN-
17 ING.—In this paragraph, the term ‘blended
18 learning’ means a formal education program
19 that leverages both technology-based and face-
20 to-face instructional approaches that—

21 “(i) include an element of online or
22 digital learning, combined with supervised
23 learning time, and student-led learning, in
24 which the elements are connected to pro-
25 vide an integrated learning experience; and

1 “(ii) where students are provided
2 some control over time, path, or pace.

3 **“SEC. 5707. REPORTING.**

4 “(a) LOCAL EDUCATIONAL AGENCIES.—Each local
5 educational agency receiving a subgrant under section
6 5706 shall submit to the State educational agency that
7 awarded such subgrant an annual report the meets the
8 requirements of subsection (c).

9 “(b) STATE EDUCATIONAL AGENCIES.—Each State
10 educational agency receiving a grant under section
11 5703(b)(2) shall submit to the Secretary an annual report
12 that meets the requirements of subsection (c).

13 “(c) REPORT REQUIREMENTS.—A report submitted
14 under subsection (a) or (b) shall include, at a minimum,
15 a description of—

16 “(1) the status of the State educational agen-
17 cy’s plan described in section 5704(b) or the local
18 education agency’s technology plan under section
19 5706(b)(3), as applicable;

20 “(2) the categories of eligible technology ac-
21 quired with funds under this part and how such
22 technology is being used;

23 “(3) the professional learning activities funded
24 under this part, including types of activities and en-
25 tities involved in providing such professional learning

1 to classroom teachers and other staff, such as school
2 librarians; and

3 “(4) the types of programs funded under this
4 part.

5 **“SEC. 5708. AUTHORIZATION.**

6 “There are authorized to be appropriated such sums
7 as may be necessary to carry out this part.”.

8 **SEC. 5009. LITERACY AND ARTS EDUCATION.**

9 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
10 tion 5001, is further amended by inserting after part G,
11 as added by section 5008, the following:

12 **“PART H—LITERACY AND ARTS EDUCATION**

13 **“SEC. 5801. LITERACY AND ARTS EDUCATION.**

14 “(a) IN GENERAL.—From funds made available
15 under subsection (c), the Secretary may award grants,
16 contracts, or cooperative agreements, on a competitive
17 basis, to eligible entities for the purposes of—

18 “(1) promoting arts education for disadvan-
19 taged students and students who are children with
20 disabilities, through activities such as—

21 “(A) professional development for arts
22 educators, teachers, and principals;

23 “(B) development and dissemination of in-
24 structional materials and arts-based educational

1 programming, including online resources, in
2 multiple arts disciplines; and

3 “(C) community and national outreach ac-
4 tivities that strengthen and expand partnerships
5 among schools, local educational agencies, com-
6 munities, or national centers for the arts; and

7 “(2) promoting literacy programs that support
8 the development of literacy skills in low-income com-
9 munities, including—

10 “(A) developing and enhancing effective
11 school library programs, which may include pro-
12 viding professional development for school li-
13 brarians, books, and up-to-date materials to
14 low-income schools;

15 “(B) early literacy services, including pedi-
16 atric literacy programs through which, during
17 well-child visits, medical providers trained in re-
18 search-based methods of early language and lit-
19 eracy promotion provide developmentally appro-
20 priate books and recommendations to parents to
21 encourage them to read aloud to their children
22 starting in infancy; and

23 “(C) programs that provide high-quality
24 books on a regular basis to children and adoles-
25 cents from disadvantaged communities to in-

1 crease reading motivation, performance, and
2 frequency.

3 “(b) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a local educational agency in which
7 20 percent or more of the students served by
8 the local educational agency are from families
9 with an income below the poverty line;

10 “(B) a consortium of such local edu-
11 cational agencies; or

12 “(C) an eligible national nonprofit organi-
13 zation.

14 “(2) ELIGIBLE NATIONAL NONPROFIT ORGANI-
15 ZATION.—The term ‘eligible national nonprofit orga-
16 nization’ means an organization of national scope
17 that—

18 “(A) is supported by staff, which may in-
19 clude volunteers, or affiliates at the State and
20 local levels; and

21 “(B) demonstrates effectiveness or high-
22 quality plans for addressing childhood literacy
23 activities for the population targeted by the
24 grant.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary for each of fiscal years
4 2016 through 2021.”.

5 **SEC. 5010. EARLY LEARNING ALIGNMENT AND IMPROVE-**
6 **MENT GRANTS.**

7 Title V (20 U.S.C. 7201 et seq.), as amended by sec-
8 tion 5001, is further amended by inserting after part H,
9 as added by section 5009, the following:

10 **“PART I—EARLY LEARNING ALIGNMENT AND**
11 **IMPROVEMENT GRANTS**

12 **“SEC. 5901. PURPOSES; DEFINITIONS.**

13 “(a) PURPOSES.—The purposes of this part are to
14 assist States with—

15 “(1) more efficiently using existing Federal re-
16 sources to improve, strengthen, and expand existing
17 high-quality early childhood education, as deter-
18 mined by the State;

19 “(2) coordinating existing funding streams and
20 delivery models to promote—

21 “(A) program quality, while maintaining
22 services;

23 “(B) parental choice among high-quality
24 early childhood education program providers;
25 and

1 “(C) early care and learning access for
2 children from birth to kindergarten entry; and

3 “(3) improving access for children from low-in-
4 come families to high-quality early childhood edu-
5 cation programs in order to enhance school readi-
6 ness.

7 “(b) DEFINITIONS.—In this part:

8 “(1) CENTER OF EXCELLENCE.—The term
9 ‘Center of Excellence’ means a local public or private
10 nonprofit agency, including a community-based or
11 faith-based organization, or a for-profit agency,
12 within a community, that provides early learning
13 and care services in the State, including the use of
14 best practices for—

15 “(A) achieving school readiness, including
16 the development of early literacy and mathe-
17 matics skills;

18 “(B) acquisition of English language skills;

19 and

20 “(C) providing high-quality comprehensive
21 services for eligible children and their families.

22 “(2) ELIGIBLE CHILD.—The term ‘eligible
23 child’ means an individual—

24 “(A) who is less than 6 years of age; and

1 “(B) whose family income does not ex-
2 ceed—

3 “(i) 200 percent of the poverty line;

4 “(ii) 85 percent of the State median
5 income for a family of the same size, and
6 whose family assets do not exceed
7 \$1,000,000 (as certified by a member of
8 such family); or

9 “(iii) a State-determined threshold for
10 eligibility that does not exceed the thresh-
11 olds in clauses (i) and (ii).

12 “(3) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
13 ble partnership’ means a partnership that, at a min-
14 imum, includes, as applicable and appropriate, the
15 State Advisory Council on Early Childhood Edu-
16 cation and Care established under section 642B(b)
17 of the Head Start Act, and all of the following part-
18 ners, which may be represented on the Council:

19 “(A) One or more public and private (in-
20 cluding nonprofit or for-profit) providers of
21 early childhood education that serve eligible
22 children residing in the State and meet applica-
23 ble standards of licensing and quality as deter-
24 mined by the State.

1 “(B) One or more Head Start agencies,
2 which may include Early Head Start, migrant
3 and seasonal Head Start, and Indian Head
4 Start agencies that serve eligible children resid-
5 ing in the State.

6 “(C) The State educational agency.

7 “(D) Other relevant State agencies with
8 oversight of preschool, early education, and
9 child care in the State.

10 “(E) One or more local educational agen-
11 cies in the State.

12 “(F) One or more institutions of higher
13 education in the State.

14 “(G) One or more representatives of busi-
15 ness in the State.

16 “(4) INSTITUTION OF HIGHER EDUCATION.—
17 The term ‘institution of higher education’ has the
18 meanings given the term in section 101 and sub-
19 paragraphs (A) and (B) of section 102(a)(1) of the
20 Higher Education Act of 1965.

21 “(5) STATE.—The term ‘State’ means each of
22 the 50 States, the District of Columbia, and the
23 Commonwealth of Puerto Rico.

1 **“SEC. 5902. EARLY LEARNING ALIGNMENT AND IMPROVE-**
2 **MENT GRANTS.**

3 “(a) GRANTS AUTHORIZED.—

4 “(1) IN GENERAL.—From amounts made avail-
5 able under section 5903, the Secretary, in consulta-
6 tion with the Secretary of Health and Human Serv-
7 ices, shall award grants, on a competitive basis, to
8 States to enable the States to carry out the activities
9 described in subsection (d).

10 “(2) RESERVATION FOR STATES SERVING
11 RURAL AREAS.—From the amounts appropriated
12 under section 5903 for a fiscal year, the Secretary
13 shall reserve not less than 30 percent for grants to
14 States that propose to carry out the activities de-
15 scribed in subsection (d) for eligible children living
16 in rural areas. The Secretary shall reduce the
17 amount described in the preceding sentence if the
18 Secretary does not receive a sufficient number of ap-
19 plications that are deserving of a grant under this
20 part for such purpose.

21 “(3) PRIORITY.—In awarding grants under this
22 section, the Secretary shall give priority to a State
23 that will use funds under this grant to focus on eli-
24 gible children—

25 “(A) who are 3 and 4 years of age; and

1 “(B) whose family income does not exceed
2 130 percent of the poverty line.

3 “(4) DURATION OF GRANTS.—A grant awarded
4 under this section shall be for a period of not more
5 than 3 years and may not be renewed by the Sec-
6 retary.

7 “(5) LIMITATION.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), a State may receive a grant
10 under this section only once.

11 “(B) EXCEPTION.—Notwithstanding sub-
12 paragraph (A), a State may receive more than
13 1 grant under this section only—

14 “(i) if the State is proposing, for such
15 additional grants, to carry out activities for
16 eligible children living in rural areas; or

17 “(ii) after all States, which meet the
18 requirements and have submitted an appli-
19 cation under this section, have received a
20 grant, to the extent that funds for a grant
21 are still available.

22 “(6) EQUITABLE DISTRIBUTION.—To the ex-
23 tent practicable, the Secretary shall ensure an equi-
24 table geographic distribution of grants under this
25 section.

1 “(b) STATE REQUIREMENTS.—

2 “(1) LEAD AGENCY.—

3 “(A) DESIGNATION.—A State desiring a
4 grant under this section shall designate an
5 agency (which may be an appropriate collabo-
6 rative agency) or establish a joint interagency
7 office, that complies with the requirements of
8 subparagraph (B), to serve as a lead agency for
9 the State under this section.

10 “(B) DUTIES.—The lead agency des-
11 ignated under subparagraph (A) shall—

12 “(i) administer, directly or through
13 other governmental or nongovernmental
14 agencies, the Federal assistance received
15 under this section by the State;

16 “(ii) develop the application submitted
17 to the Secretary under subsection (c); and

18 “(iii) coordinate the provision of ac-
19 tivities under this section with existing
20 Federal, State, and local early childhood
21 education programs.

22 “(2) PARTNERS.—In order to be eligible for a
23 grant under this section, a State shall partner with
24 an eligible partnership.

1 “(3) MATCHING REQUIREMENT.—Each State
2 that receives a grant under this part shall provide
3 from Federal or non-Federal sources (which may be
4 provided in cash or in-kind) to carry out the activi-
5 ties supported by the grant, an amount equal to—

6 “(A) 30 percent of the amount of the
7 grant in the first year of such grant; and

8 “(B) not less than 30 percent of the
9 amount of the grant in the second and third
10 year of such grant, respectively.

11 “(c) APPLICATIONS.—A State desiring a grant under
12 this section shall submit an application at such time, in
13 such manner, and containing such information as the Sec-
14 retary may reasonably require. The application shall in-
15 clude—

16 “(1) an identification of the lead agency that
17 the Governor of the State has appointed to be re-
18 sponsible for the grant under this section;

19 “(2) a description of the eligible partnership re-
20 quired under subsection (b)(2), which will assist the
21 State in developing the plan and implementing the
22 activities under this part;

23 “(3) to the extent practicable, the unduplicated
24 counts of the number of eligible children served
25 using existing Federal, State, and local resources

1 and programs that the State will coordinate to meet
2 the purposes of this part, including—

3 “(A) programs carried out under the Head
4 Start Act, including the Early Head Start pro-
5 grams carried out under such Act;

6 “(B) programs carried out under section
7 619 and parts B and C of the Individuals with
8 Disabilities Education Act;

9 “(C) child care programs carried out under
10 the Child Care and Development Block Grant
11 Act of 1990 (42 U.S.C. 9858 et seq.) or section
12 418 of the Social Security Act (42 U.S.C. 618);

13 “(D) other Federal, State, local, and In-
14 dian tribe or tribal organization programs of
15 early learning, childhood education, child care,
16 and development in the State; and

17 “(E) as applicable—

18 “(i) programs carried out under other
19 provisions of this Act;

20 “(ii) programs carried out under sub-
21 title A of title XX of the Social Security
22 Act (42 U.S.C. 1397 et seq.);

23 “(iii) programs carried out under the
24 Community Services Block Grant Act (42
25 U.S.C. 9901 et seq.);

1 “(iv) programs serving homeless chil-
2 dren and services of local educational agen-
3 cy liaisons for homeless children and
4 youths designated under section
5 722(g)(1)(J)(ii) of the McKinney-Vento
6 Homeless Assistance Act (42 U.S.C.
7 11432(g)(1)(J)(ii));

8 “(v) State agencies and programs
9 serving children in foster care and the fos-
10 ter families of such children; and

11 “(vi) child care programs funded
12 through State veterans affairs offices;

13 “(4) a description of how the State proposes to
14 coordinate such resources and programs identified
15 under paragraph (3) in order to meet the purposes
16 of this part;

17 “(5) a description of how the State will identify
18 early childhood education program providers that
19 demonstrate a high level of quality;

20 “(6) a description of how the State will define
21 eligible children, in accordance with section
22 5901(b)(2);

23 “(7) a description of how the State will expand
24 access to existing high-quality early learning and
25 care for eligible children in the State, or if no high-

1 quality early learning and care is accessible for eligi-
2 ble children, expand access to high-quality early
3 learning and care for such children;

4 “(8) in the case of a State that has elected to
5 use funds under this section to designate Centers of
6 Excellence—

7 “(A) assurances that the State will des-
8 ignate an entity, such as an agency, an institu-
9 tion of higher education, a consortium of local
10 educational agencies or Head Start centers, or
11 another entity, to designate early childhood
12 education programs as Centers of Excellence;

13 “(B) assurances that the designee will
14 meet the definition of a Center of Excellence;

15 “(C) descriptions of the process by which
16 an entity that carries out an early childhood
17 education program would be designated as a
18 Center of Excellence, including evidence that
19 the early childhood education program involved
20 has demonstrated excellence in program deliv-
21 ery in a manner designed to improve the school
22 readiness of children who have participated in
23 the program; and

1 “(D) descriptions of how the State will as-
2 sist Centers of Excellence in the dissemination
3 of best practices;

4 “(9) an assurance that the State will provide
5 technical assistance to partners on methods by which
6 Federal and State early learning and care funding
7 can be coordinated and lead to cost-saving and effi-
8 ciencies strategies, and other methods that will en-
9 hance the quality of the early childhood education
10 programs in the State;

11 “(10) a description of how the State will sus-
12 tain early learning and care activities coordinated
13 under this section, including for rural areas in the
14 State, if applicable, once grant funding is no longer
15 available under this section;

16 “(11) a description of the process that the
17 State proposes to use to collect and disseminate, to
18 parents and the general public, consumer informa-
19 tion that will promote informed early learning and
20 care choices in the State;

21 “(12) a description of how the State will serve
22 eligible children residing in rural areas, if applicable;
23 and

24 “(13) an assurance that funds made available
25 under this part shall be used to supplement, and not

1 supplant, any other Federal, State, or local funds
2 that would otherwise be available to carry out the
3 activities assisted under this part.

4 “(d) USE OF FUNDS.—

5 “(1) IN GENERAL.—A State that receives a
6 grant under this part shall use the grant funds to
7 develop, implement, or improve a coordinated state-
8 wide or locally implemented system of voluntary
9 early care and learning, which includes a plan—

10 “(A) for coordinating funding available
11 through existing Federal, State, and local
12 sources; and

13 “(B) which is designed in collaboration
14 with an eligible partnership.

15 “(2) AUTHORIZED ACTIVITIES.—Grant funds
16 under this section may be used for the following:

17 “(A) Aligning existing Federal, State, and
18 local funding and resources with a statewide or
19 locally designed system for delivering high-qual-
20 ity early learning and care for eligible children
21 in the State, including developing evidence-
22 based practices to improve staff quality, in-
23 structional programming, and time in program.

24 “(B) Analyzing needs for expanded access
25 to existing high-quality early childhood edu-

1 cation programs in the State, including child
2 care, preschool, and Early Head Start, Head
3 Start, and special education for all children,
4 particularly low-income children.

5 “(C) Developing or expanding eligible part-
6 nerships to—

7 “(i) expand access for eligible children
8 to existing high-quality providers or pro-
9 grams or, if no high-quality early learning
10 and care is accessible for eligible children,
11 expand access to high-quality early learn-
12 ing and care for eligible children;

13 “(ii) share best practices; and

14 “(iii) ensure that parents have max-
15 imum choices in selecting the providers
16 that meet their individual needs, consistent
17 with State and local laws.

18 “(D) Developing or expanding Centers of
19 Excellence for the purposes of—

20 “(i) disseminating best practices for
21 achieving early academic success in the
22 State, including best practices for—

23 “(I) achieving school readiness,
24 including developing early literacy and
25 mathematics skills;

1 “(II) the acquisition of the
2 English language for English learners;
3 or

4 “(III) providing high-quality
5 comprehensive services to low-income
6 and at-risk children and their fami-
7 lies;

8 “(ii) coordinating early education,
9 child care, and other social services avail-
10 able in the State and local communities for
11 low-income and at-risk children and fami-
12 lies; or

13 “(iii) providing effective transitions
14 between preschool programs and elemen-
15 tary schools, including by facilitating ongo-
16 ing communication between early education
17 and elementary school teachers and by im-
18 proving the ability of teachers to work ef-
19 fectively with low-income and at-risk chil-
20 dren and their families.

21 “(E) Expanding existing high-quality early
22 education and care for infants and toddlers, or
23 if no high-quality early education and care is
24 accessible for infants and toddlers, expand ac-
25 cess to high quality education and care.

1 “(F) Carrying out other strategies deter-
2 mined by the State to improve access to and ex-
3 pand the overall quality of a coordinated State
4 or locally designed system of voluntary early
5 learning and care services in the State.

6 “(3) PRIORITY.—The activities implemented by
7 a State under this subsection shall prioritize paren-
8 tal choice of providers and evidence-based practices
9 for improving early learning program quality and ac-
10 cess to the extent permitted under State and local
11 law.

12 “(e) REPORTING.—A State that receives a grant
13 under this part shall submit to the Secretary, at such time
14 and in such manner as the Secretary may reasonably re-
15 quire, an annual report that includes—

16 “(1) the number and percentage of children
17 who are served in high-quality early childhood edu-
18 cation programs, as identified by the State, during
19 each year of the grant duration using funds from—

20 “(A) only this part, as applicable;

21 “(B) the Child Care and Development
22 Block Grant Act of 1990 (42 U.S.C. 9858 et
23 seq.) or section 418 of the Social Security Act
24 (42 U.S.C. 618);

25 “(C) the Head Start Act; and

1 “(D) other public and private providers, as
2 applicable;

3 “(2) the quality improvements undertaken at
4 the State level;

5 “(3) the extent to which funds are being blend-
6 ed with other public and private funding; and

7 “(4) any other ways in which funds are used to
8 meet the purposes of this part.

9 “(f) REPORT TO CONGRESS.—The Secretary, in con-
10 sultation with the Secretary of Health and Human Serv-
11 ices, shall prepare and submit to the Committee on
12 Health, Education, Labor, and Pensions of the Senate and
13 the Committee on Education and the Workforce of the
14 House of Representatives a biennial report containing the
15 information described in subsection (e) for all States re-
16 ceiving funds under this part.

17 “(g) LIMITATIONS ON FEDERAL INTERFERENCE.—
18 Nothing in this part shall be construed to authorize the
19 Secretary to establish any criterion that specifies, defines,
20 or prescribes—

21 “(1) early learning and development guidelines,
22 standards, or specific assessments, including the
23 standards or measures that States use to develop,
24 implement, or improve such guidelines, standards, or
25 assessments;

1 “(2) specific measures or indicators of quality
2 early learning and care, including—

3 “(A) the systems that States use to assess
4 the quality of early childhood education pro-
5 grams and providers, school readiness, and
6 achievement; and

7 “(B) the term ‘high-quality’ early learning
8 or care;

9 “(3) early learning or preschool curriculum,
10 program of instruction, or instructional content;

11 “(4) teacher and staff qualifications and sala-
12 ries;

13 “(5) class sizes and child-to-instructional staff
14 ratios; and

15 “(6) any aspect or parameter of a teacher, prin-
16 cipal, other school leader, or staff evaluation system
17 within a State or local educational agency.

18 **“SEC. 5903. AUTHORIZATION OF APPROPRIATIONS.**

19 “‘There are authorized to be appropriated to carry out
20 this part such sums as may be necessary for each of fiscal
21 years 2016 through 2021.’”.

1 **TITLE VI—INNOVATION AND**
2 **FLEXIBILITY**

3 **SEC. 6001. PURPOSES.**

4 Title VI (20 U.S.C. 7301 et seq.) is amended by in-
5 serting before part A of title VI, the following:

6 **“SEC. 6001. PURPOSES.**

7 “The purposes of this title are—

8 “(1) to support State and local innovation in
9 preparing all students to meet challenging State aca-
10 demic standards under section 1111(b);

11 “(2) to provide States and local educational
12 agencies with maximum flexibility in using Federal
13 funds provided under this Act; and

14 “(3) to support education in rural areas.”.

15 **SEC. 6002. IMPROVING ACADEMIC ACHIEVEMENT.**

16 Part A of title VI (20 U.S.C. 7301 et seq.) is amend-
17 ed—

18 (1) by striking subparts 1 and 4;

19 (2) by redesignating subpart 2 as subpart 1;

20 (3) by redesignating sections 6121 through
21 6123 as sections 6111 through 6113, respectively;

22 (4) in section 6113, as redesignated by para-
23 graph (3)—

24 (A) in subsection (a)—

25 (i) in paragraph (1)—

1 (I) in the matter preceding sub-
2 paragraph (A), by striking “not more
3 than 50 percent of the nonadministra-
4 tive State funds” and inserting “all,
5 or any lesser amount, of State funds”;
6 and

7 (II) by striking subparagraphs
8 (A) through (D) and inserting the fol-
9 lowing:

10 “(A) Part A of title II.

11 “(B) Part A of title IV.

12 “(C) Part G of title V.”; and

13 (ii) in paragraph (2), by striking “and
14 subject to the 50 percent limitation de-
15 scribed in paragraph (1)”;

16 (B) in subsection (b)—

17 (i) in paragraph (1)—

18 (I) in subparagraph (A), by strik-
19 ing “(except” and all that follows
20 through “subparagraph (C))” and in-
21 sserting “may transfer all, or any less-
22 er amount, of the funds allocated to
23 it”;

24 (II) by striking subparagraph
25 (B);

1 (III) by redesignating subpara-
2 graph (C) as subparagraph (B); and

3 (IV) in subparagraph (B), as re-
4 designated by subclause (III), by
5 striking “and subject to the percent-
6 age limitation described in subpara-
7 graph (A) or (B), as applicable”; and
8 (ii) in paragraph (2)—

9 (I) by striking “subparagraph
10 (A), (B), or (C)” and inserting “sub-
11 paragraph (A) or (B)”; and

12 (II) by striking subparagraphs
13 (A) through (D) and inserting the fol-
14 lowing:

15 “(A) Part A of title II.

16 “(B) Part A of title IV.

17 “(C) Part G of title V.”; and

18 (5) by striking subpart 3 and inserting the fol-
19 lowing:

20 **“Subpart 2—Weighted Student Funding Flexibility**

21 **Pilot Program**

22 **“SEC. 6121. WEIGHTED STUDENT FUNDING FLEXIBILITY**
23 **PILOT PROGRAM.**

24 “(a) PURPOSE.—The purpose of the pilot program
25 under this section is to provide local educational agencies

1 with flexibility to consolidate Federal, State, and local
2 funding in order to create a single school funding system
3 based on weighted per pupil allocations for low-income and
4 otherwise disadvantaged students.

5 “(b) AUTHORITY.—The Secretary may, on a competi-
6 tive basis, enter into local flexibility demonstration agree-
7 ments—

8 “(1) for not more than 2 years with local edu-
9 cational agencies that are selected under subsection
10 (c) and submit proposed agreements that meet the
11 requirements of subsection (d); and

12 “(2) under which such agencies may consolidate
13 and use funds in accordance with subsection (d) in
14 order to develop and implement a school funding
15 system based on weighted per pupil allocations for
16 low-income and otherwise disadvantaged students.

17 “(c) SELECTION OF LOCAL EDUCATIONAL AGEN-
18 CIES.—

19 “(1) IN GENERAL.—The Secretary may enter
20 into local flexibility demonstration agreements with
21 not more than 25 local educational agencies, reflect-
22 ing the size and geographic diversity of all such
23 agencies nationwide to the maximum extent feasible.

1 “(2) SELECTION.—Each local educational agen-
2 cy shall be selected on a competitive basis from
3 among those local educational agencies that—

4 “(A) submit a proposed local flexibility
5 demonstration agreement under subsection (d)
6 to the Secretary;

7 “(B) demonstrate to the satisfaction of the
8 Secretary that the agreement meets the require-
9 ments of subsection (d); and

10 “(C) agree to meet the continued dem-
11 onstration requirements under subsection (e).

12 “(d) REQUIRED TERMS OF LOCAL FLEXIBILITY
13 DEMONSTRATION AGREEMENT.—

14 “(1) APPLICATION.—Each local educational
15 agency that desires to participate in the pilot pro-
16 gram under this section shall submit, at such time,
17 in such form, and including such information as the
18 Secretary may prescribe, an application to enter into
19 a local flexibility demonstration agreement with the
20 Secretary in order to develop and implement a
21 school funding system based on weighted per pupil
22 allocations that meets the requirements of this sec-
23 tion, including—

24 “(A) a description of the school funding
25 system based on weighted per pupil allocations,

1 including how the system will meet the require-
2 ments under paragraph (2);

3 “(B) a list of funding sources, including el-
4 igible Federal funds the local educational agen-
5 cy will include in such system;

6 “(C) a description of the amount and per-
7 centage of total local educational agency fund-
8 ing, including State, local, and eligible Federal
9 funds, that will be allocated through such sys-
10 tem;

11 “(D) the per-pupil expenditures (including
12 actual personnel expenditures, including staff
13 salary differentials for years of employment,
14 and actual nonpersonnel expenditures) of State
15 and local funds for each school served by the
16 agency for the preceding fiscal year;

17 “(E) the per-pupil amount of eligible Fed-
18 eral funds each school served by the agency,
19 disaggregated by program, received in the pre-
20 ceding fiscal year;

21 “(F) a description of how the system will
22 continue to ensure that any eligible Federal
23 funds allocated through the system will con-
24 tinue to meet the purposes of each Federal
25 funding stream, including serving students from

1 low-income families, English learners, migratory
2 children, and children who are neglected, delin-
3 quent, or at risk, as applicable;

4 “(G) a description of how the local edu-
5 cational agency will develop and employ a
6 weighted student funding system to support
7 public elementary schools and secondary schools
8 in order to improve the academic achievement
9 of students, including low-income students, the
10 lowest achieving students, English learners, and
11 students with disabilities;

12 “(H) an assurance that the local edu-
13 cational agency developed and will implement
14 the local flexibility demonstration agreement in
15 consultation with teachers, principals, other
16 school leaders, administrators of Federal pro-
17 grams impacted by the agreement, parents, civil
18 rights leaders, and other relevant stakeholders;

19 “(I) an assurance that the local edu-
20 cational agency will use fiscal control and sound
21 accountability procedures that ensure proper
22 disbursement of, and accounting for, eligible
23 Federal funds consolidated and used under such
24 system;

1 “(J) an assurance that the local edu-
2 cational agency will continue to meet the fiscal
3 provisions in section 1117; and

4 “(K) an assurance that the local edu-
5 cational agency will meet the requirements of
6 all applicable Federal civil rights laws in car-
7 rying out the agreement and in consolidating
8 and using funds under the agreement.

9 “(2) REQUIREMENTS OF SYSTEM.—A local edu-
10 cational agency’s school funding system based on
11 weighted per pupil allocations shall meet each of the
12 following requirements:

13 “(A) The system shall—

14 “(i) allocate a significant portion of
15 funds, including State, local, and eligible
16 Federal funds, to the school level through
17 a formula that determines per-pupil
18 weighted amounts based on individual stu-
19 dent characteristics;

20 “(ii) use weights or allocation
21 amounts that allocate substantially more
22 funding to students from low-income fami-
23 lies and English learners than to other stu-
24 dents; and

1 “(iii) demonstrate to the Secretary,
2 that each high-poverty school received at
3 least as much total per-pupil funding, in-
4 cluding from Federal, State, and local
5 sources, for low-income students and at
6 least as much total per-pupil funding, in-
7 cluding from Federal, State, and local
8 sources, for English learners as the school
9 received in the year prior to carrying out
10 the pilot program.

11 “(B) The system shall be used to allocate
12 a significant portion, including all school level
13 personnel expenditures for instructional staff
14 and nonpersonnel expenditures, but not less
15 than 65 percent, of all the local educational
16 agency’s local and State funds to schools.

17 “(C) After allocating funds through the
18 school funding system, the local educational
19 agency shall charge schools for the per-pupil ex-
20 penditures of Federal, State, and local funds,
21 including actual personnel expenditures for in-
22 structional staff and actual nonpersonnel ex-
23 penditures.

1 “(D) The system may include weights or
2 allocation amounts according to other charac-
3 teristics.

4 “(e) CONTINUED DEMONSTRATION.—Each local edu-
5 cational agency that is selected to participate in the pilot
6 program under this section shall annually—

7 “(1) demonstrate to the Secretary, that no
8 high-poverty school served by the agency received
9 less total per-pupil funding, including from Federal,
10 State, and local sources, for low-income students or
11 less total per-pupil funding, including from Federal,
12 State, and local sources, for English learners than
13 the school received in the previous year;

14 “(2) make public and report to the Secretary
15 the per-pupil expenditures (including actual per-
16 sonnel expenditures that include staff salary dif-
17 ferentials for years of employment, and actual non-
18 personnel expenditures) of State, local, and Federal
19 funds for each school served by the agency, and
20 disaggregated by student poverty quartile and by mi-
21 nority student quartile for the preceding fiscal year;
22 and

23 “(3) make public the total number of students
24 enrolled in each school served by the agency and the
25 number of students enrolled in each such school

1 disaggregated by each of the categories of students,
2 as defined in section 1111(b)(3)(A).

3 “(f) ELIGIBLE FEDERAL FUNDS.—In this section,
4 the term ‘eligible Federal funds’ means funds received by
5 a local educational agency under titles I, II, III, and IV
6 of this Act.

7 “(g) LIMITATIONS ON ADMINISTRATIVE EXPENDI-
8 TURES.—Each local educational agency that has entered
9 into a local flexibility demonstration agreement with the
10 Secretary under this section may use, for administrative
11 purposes, from eligible Federal funds not more than the
12 percentage of funds allowed for such purpose under any
13 of titles I, II, III, or IV.

14 “(h) PEER REVIEW.—The Secretary may establish a
15 peer-review process to assist in the review of a proposed
16 local flexibility demonstration agreement.

17 “(i) NONCOMPLIANCE.—The Secretary may, after
18 providing notice and an opportunity for a hearing (includ-
19 ing the opportunity to provide information as provided for
20 in subsection (j)), terminate a local flexibility demonstra-
21 tion agreement under this section if there is evidence that
22 the local educational agency has failed to comply with the
23 terms of the agreement and the requirements under sub-
24 sections (d) and (e).

1 “(j) EVIDENCE.—If a local educational agency be-
2 lieves that the Secretary’s determination under subsection
3 (i) is in error for statistical or other substantive reasons,
4 the local educational agency may provide supporting evi-
5 dence to the Secretary, and the Secretary shall consider
6 that evidence before making a final termination deter-
7 mination.

8 “(k) PROGRAM EVALUATION.—From the amount re-
9 served for evaluation activities in section 9601, the Sec-
10 retary, acting through the Director of the Institute of
11 Education Sciences, shall, in consultation with the rel-
12 evant program office at the Department, evaluate the im-
13 plementation and impact of the local flexibility demonstra-
14 tion agreements under this section, consistent with section
15 9601 and specifically on improving the equitable distribu-
16 tion of State and local funding and increasing student
17 achievement.

18 “(l) RENEWAL OF LOCAL FLEXIBILITY DEMONSTRA-
19 TION AGREEMENT.—The Secretary may renew for addi-
20 tional 3-year terms a local flexibility demonstration agree-
21 ment under this section if—

22 “(1) the local educational agency has met the
23 requirements under subsections (d)(2) and (e) and
24 agrees to and has a high likelihood of continuing to
25 meet such requirements; and

1 “(2) the Secretary determines that renewing
2 the local flexibility demonstration agreement is in
3 the interest of students served under titles I and III,
4 including students from low-income families, English
5 learners, migratory children, and children who are
6 neglected, delinquent, or at risk.

7 “(m) DEFINITION OF HIGH-POVERTY SCHOOL.—In
8 this section, the term ‘high-poverty school’ means a school
9 that is in the highest 2 quartiles of schools served by a
10 local educational agency, based on the percentage of en-
11 rolled students from low-income families.”.

12 **SEC. 6003. RURAL EDUCATION INITIATIVE.**

13 Part B of title VI (20 U.S.C. 7341 et seq.) is amend-
14 ed—

15 (1) in section 6211—

16 (A) in subsection (a)(1), by striking sub-
17 paragraphs (A) through (E) and inserting the
18 following:

19 “(A) Part A of title I.

20 “(B) Part A of title II.

21 “(C) Title III.

22 “(D) Part A or B of title IV.

23 “(E) Part G of title V.”;

24 (B) in subsection (b)(1)—

1 (i) in subparagraph (A)(ii), by strik-
2 ing “7 or 8, as determined by the Sec-
3 retary; or” and inserting “41, 42, or 43, as
4 determined by the Secretary;”;

5 (ii) in subparagraph (B), by striking
6 the period at the end and inserting “; or”;
7 and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C) the local educational agency is a
11 member of an educational service agency that
12 does not receive funds under this subpart and
13 the local educational agency meets the require-
14 ments of this part.”; and

15 (C) in subsection (c), by striking para-
16 graphs (1) through (3) and inserting the fol-
17 lowing:

18 “(1) Part A of title II.

19 “(2) Part A of title IV.”;

20 (2) in section 6212—

21 (A) in subsection (a), by striking para-
22 graphs (1) through (5) and inserting the fol-
23 lowing:

24 “(1) Part A of title I.

25 “(2) Part A of title II.

1 “(3) Title III.

2 “(4) Part A or B of title IV.

3 “(5) Part G of title V.”;

4 (B) in subsection (b)—

5 (i) by striking paragraph (1) and in-
6 serting the following:

7 “(1) ALLOCATION.—

8 “(A) IN GENERAL.—Except as provided in
9 paragraph (3), the Secretary shall award a
10 grant under subsection (a) to a local edu-
11 cational agency eligible under section 6211(b)
12 for a fiscal year in an amount equal to the ini-
13 tial amount determined under paragraph (2) for
14 the fiscal year minus the total amount received
15 by the agency under the provisions of law de-
16 scribed in section 6211(c) for the preceding fis-
17 cal year.

18 “(B) SPECIAL DETERMINATION.—For a
19 local educational agency that is eligible under
20 section 6211 and is a member of an educational
21 service agency, the Secretary may determine the
22 award amount by subtracting from the initial
23 amount determined under paragraph (2), an
24 amount that is equal to that local educational
25 agency’s per-pupil share of the total amount re-

1 ceived by the educational service agency under
2 titles II and IV, as long as a determination
3 under this subparagraph would not dispropor-
4 tionately affect any State.”;

5 (ii) by striking paragraph (2) and in-
6 serting the following:

7 “(2) DETERMINATION OF INITIAL AMOUNT.—

8 “(A) IN GENERAL.—The initial amount re-
9 ferred to in paragraph (1) is equal to \$100
10 multiplied by the total number of students in
11 excess of 50 students, in average daily attend-
12 ance at the schools served by the local edu-
13 cational agency, plus \$20,000, except that the
14 initial amount may not exceed \$60,000.

15 “(B) SPECIAL RULE.—For any fiscal year
16 in which the amount made available to carry
17 out this part is \$252,000,000 or more, subpara-
18 graph (A) shall be applied—

19 “(i) by substituting ‘\$25,000’ for
20 ‘\$20,000’; and

21 “(ii) by substituting ‘\$80,000’ for
22 ‘\$60,000’.”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(4) HOLD HARMLESS.—For a local edu-
2 cational agency that is not eligible under this sub-
3 part but met the eligibility requirements under sec-
4 tion 6211(b) as such section was in effect on the day
5 before the date of enactment of the Every Child
6 Achieves Act of 2015, the agency shall receive—

7 “(A) for fiscal year 2016, 75 percent of
8 the amount such agency received for fiscal year
9 2015;

10 “(B) for fiscal year 2017, 50 percent of
11 the amount such agency received for fiscal year
12 2015; and

13 “(C) for fiscal year 2018, 25 percent of
14 the amount such agency received for fiscal year
15 2015.”; and

16 (C) by striking subsection (d);

17 (3) by striking section 6213 and inserting the
18 following:

19 **“SEC. 6213. ACADEMIC ACHIEVEMENT ASSESSMENTS.**

20 “Each local educational agency that uses or receives
21 funds under this subpart for a fiscal year shall administer
22 an assessment that is consistent with section
23 1111(b)(2).”;

24 (4) in section 6221—

1 (A) in subsection (b)(1)(B), by striking “6,
2 7, or 8” and inserting “32, 33, 41, 42, or 43”;
3 and

4 (B) in subsection (c)(1), by striking “Bu-
5 reau of Indian Affairs” and inserting “Bureau
6 of Indian Education”;

7 (5) in section 6222(a), by striking paragraphs
8 (1) through (7) and inserting the following:

9 “(1) Activities authorized under part A of title
10 I.

11 “(2) Activities authorized under part A of title
12 II.

13 “(3) Activities authorized under title III.

14 “(4) Activities authorized under part A of title
15 IV.

16 “(5) Parental involvement activities.

17 “(6) Activities authorized under part G of title
18 V.”;

19 (6) in section 6223—

20 (A) in subsection (a), by striking “at such
21 time, in such manner, and accompanied by such
22 information” and inserting “at such time and
23 in such manner”; and

24 (B) by striking subsection (b) and insert-
25 ing the following:

1 “(b) CONTENTS.—Each application submitted under
2 subsection (a) shall include information on—

3 “(1) program objectives and outcomes for ac-
4 tivities under this subpart, including how the State
5 educational agency or specially qualified agency will
6 use funds to help all students meet the challenging
7 State academic standards under section 1111(b);

8 “(2) if the State educational agency or specially
9 qualified agency will competitively award grants to
10 eligible local educational agencies, as described in
11 section 6221(b)(2)(A), the application under the sec-
12 tion shall include—

13 “(A) the methods and criteria the State
14 educational agency or specially qualified agency
15 will use for reviewing applications and awarding
16 funds to local educational agencies on a com-
17 petitive basis; and

18 “(B) how the State educational agency or
19 specially qualified agency will notify eligible
20 local educational agencies of the grant competi-
21 tion; and

22 “(3) a description of how the State educational
23 agency or specially qualified agency will provide
24 technical assistance to eligible local educational

1 agencies to help such agencies implement the activi-
2 ties described in section 6222.”;

3 (7) in section 6224—

4 (A) in subsection (a)—

5 (i) in the matter preceding paragraph
6 (1), by inserting “or specially qualified
7 agency” after “Each State educational
8 agency”;

9 (ii) by striking paragraph (1) and in-
10 sserting the following:

11 “(1) if the report is submitted by a State edu-
12 cational agency, the method the State educational
13 agency used to award grants to eligible local edu-
14 cational agencies, and to provide assistance to
15 schools, under this subpart;” and

16 (iii) by striking paragraph (3) and in-
17 sserting the following:

18 “(3) the degree to which progress has been
19 made toward meeting the objectives and outcomes
20 described in the application submitted under section
21 6223, including having all students in the State or
22 the area served by the specially qualified agency, as
23 applicable, meet the challenging State academic
24 standards under section 1111(b).”;

1 (B) by striking subsection (b) and (c) and
2 inserting the following:

3 “(b) REPORT TO CONGRESS.—The Secretary shall
4 prepare a summary of the reports under subsection (a)
5 and submit a biennial report to the Committee on Health,
6 Education, Labor, and Pensions of the Senate and the
7 Committee on Education and the Workforce of the House
8 of Representatives.”;

9 (C) by redesignating subsection (d) as sub-
10 section (c);

11 (D) in subsection (c), as redesignated by
12 subparagraph (C), by striking “assessment that
13 is consistent with section 1111(b)(3)” and in-
14 serting “assessment that is consistent with sec-
15 tion 1111(b)(2)”; and

16 (E) by striking subsection (e);

17 (8) by inserting after section 6224 the fol-
18 lowing:

19 **“SEC. 6225. CHOICE OF PARTICIPATION.**

20 “(a) IN GENERAL.—If a local educational agency is
21 eligible for funding under both subparts 1 and 2 of this
22 part, such local educational agency may receive funds
23 under either subpart 1 or subpart 2 for a fiscal year, but
24 may not receive funds under both subparts for such fiscal
25 year.

1 “(b) NOTIFICATION.—A local educational agency eli-
 2 gible for funding under both subparts 1 and 2 of this part
 3 shall notify the Secretary and the State educational agen-
 4 cy under which of such subparts the local educational
 5 agency intends to receive funds for a fiscal year by a date
 6 that is established by the Secretary for the notification.”;
 7 and

8 (9) in section 6234, by striking “\$300,000,000
 9 for fiscal year 2002 and such sums as may be nec-
 10 essary for each of the 5 succeeding fiscal years,”
 11 and inserting “such sums as may be necessary for
 12 each of the fiscal years 2016 through 2021,”.

13 **SEC. 6004. GENERAL PROVISIONS.**

14 Part C of title VI (20 U.S.C. 7371) is amended to
 15 read as follows:

16 **“PART C—GENERAL PROVISIONS**

17 **“SEC. 6301. PROHIBITION AGAINST FEDERAL MANDATES,**
 18 **DIRECTION, OR CONTROL.**

19 “Nothing in this title shall be construed to authorize
 20 an officer or employee of the Federal Government to man-
 21 date, direct, or control a State, local educational agency,
 22 or school’s specific instructional content, academic stand-
 23 ards and assessments, curriculum, or program of instruc-
 24 tion, as a condition of eligibility to receive funds under
 25 this Act.

1 **“SEC. 6302. RULE OF CONSTRUCTION ON EQUALIZED**
2 **SPENDING.**

3 “Nothing in this title shall be construed to mandate
4 equalized spending per pupil for a State, local educational
5 agency, or school.”.

6 **TITLE VII—INDIAN, NATIVE HA-**
7 **WAIAN, AND ALASKA NATIVE**
8 **EDUCATION**

9 **SEC. 7001. INDIAN EDUCATION.**

10 Part A of title VII (20 U.S.C. 7401 et seq.) is amend-
11 ed—

12 (1) by striking sections 7132, 7133, 7134, and
13 7136;

14 (2) by redesignating section 7135 as section
15 7132;

16 (3) by striking section 7102 and inserting the
17 following:

18 **“SEC. 7102. PURPOSE.**

19 “It is the purpose of this part to support the efforts
20 of local educational agencies, Indian tribes and organiza-
21 tions, postsecondary institutions, and other entities—

22 “(1) to ensure the academic achievement of
23 American Indian and Alaska Native students by
24 meeting their unique culture, language, and edu-
25 cational needs, consistent with section 1111;

1 “(2) to ensure that American Indian and Alas-
2 ka Native students gain knowledge and under-
3 standing of Native communities, languages, tribal
4 histories, traditions, and cultures; and

5 “(3) to ensure that teachers, principals, other
6 school leaders, and other staff who serve American
7 Indian and Alaska Native students have the ability
8 to provide effective instruction and supports to such
9 students.”;

10 (4) by striking section 7111 and inserting the
11 following:

12 **“SEC. 7111. PURPOSE.**

13 “‘It is the purpose of this subpart to support local
14 educational agencies in developing elementary school and
15 secondary school programs for American Indian and Alas-
16 ka Native students that are designed to—

17 “(1) meet the unique cultural, language, and
18 educational needs of such students; and

19 “(2) ensure that all students meet the chal-
20 lenging State academic standards adopted under sec-
21 tion 1111(b).”;

22 (5) in section 7112—

23 (A) by striking subsection (a) and insert-
24 ing the following:

1 “(a) IN GENERAL.—The Secretary may make grants,
2 from allocations made under section 7113, and in accord-
3 ance with this section and section 7113, to—

4 “(1) local educational agencies;

5 “(2) Indian tribes; and

6 “(3) consortia of 2 or more local educational
7 agencies, Indian tribes, Indian organizations, or In-
8 dian community-based organizations, provided that
9 each local educational agency participating in such a
10 consortium—

11 “(A) provides an assurance that the eligi-
12 ble Indian children served by such local edu-
13 cational agency receive the services of the pro-
14 grams funded under this subpart; and

15 “(B) is subject to all the requirements, as-
16 surances, and obligations applicable to local
17 educational agencies under this subpart.”;

18 (B) in subsection (b)—

19 (i) in paragraph (1), by striking “A
20 local educational agency shall” and insert-
21 ing “Subject to paragraph (2), a local edu-
22 cational agency shall”;

23 (ii) by redesignating paragraph (2) as
24 paragraph (3); and

1 (iii) by inserting after paragraph (1)
2 the following:

3 “(2) COOPERATIVE AGREEMENTS.—A local edu-
4 cational agency may enter into a cooperative agree-
5 ment with an Indian tribe under this subpart if such
6 Indian tribe—

7 “(A) represents not less than 25 percent of
8 the eligible Indian children who are served by
9 such local educational agency; and

10 “(B) requests that the local educational
11 agency enters into a cooperative agreement
12 under this subpart.”; and

13 (C) by striking subsection (c) and inserting
14 the following:

15 “(c) INDIAN TRIBES AND INDIAN ORGANIZATIONS.—

16 “(1) IN GENERAL.—If a local educational agen-
17 cy that is otherwise eligible for a grant under this
18 subpart does not establish a committee under section
19 7114(e)(4) for such grant, an Indian tribe, an In-
20 dian organization, or a consortium of such entities,
21 that represents more than one-half of the eligible In-
22 dian children who are served by such local edu-
23 cational agency may apply for such grant.

24 “(2) UNAFFILIATED INDIAN TRIBES.—An In-
25 dian tribe that operates a public school and such

1 tribe is not affiliated with either a local educational
2 agency or the Bureau of Indian Education shall be
3 eligible to apply for a grant under this subpart.

4 “(3) SPECIAL RULE.—

5 “(A) IN GENERAL.—The Secretary shall
6 treat each Indian tribe, Indian organization, or
7 consortium of such entities applying for a grant
8 pursuant to paragraph (1) or (2) as if such
9 tribe, Indian organization, or consortium were a
10 local educational agency for purposes of this
11 subpart.

12 “(B) EXCEPTIONS.—Notwithstanding sub-
13 paragraph (A), such Indian tribe, Indian orga-
14 nization, or consortium shall not be subject to
15 the requirements of subsections (b)(7) or (c)(4)
16 of section 7114 or section 7118(c) or 7119.

17 “(4) ASSURANCE TO SERVE ALL INDIAN CHIL-
18 DREN.—An Indian tribe, Indian organization, or
19 consortium of such entities that is eligible to apply
20 for a grant under paragraph (1) shall include, in the
21 application required under section 7114, an assur-
22 ance that the entity will use the grant funds to pro-
23 vide services to all Indian students served by the
24 local educational agency.

25 “(d) INDIAN COMMUNITY-BASED ORGANIZATION.—

1 “(1) IN GENERAL.—If no local educational
2 agency pursuant to subsection (b), and no Indian
3 tribe, Indian organization, or consortium pursuant
4 to subsection (c), applies for a grant under this sub-
5 part, an Indian community-based organization serv-
6 ing the community of the local educational agency
7 may apply for such grant.

8 “(2) APPLICABILITY OF SPECIAL RULE.—The
9 Secretary shall apply the special rule in subsection
10 (c)(3) to an Indian community-based organization
11 applying or receiving a grant under paragraph (1) in
12 the same manner as such rule applies to an Indian
13 tribe, Indian organization, or consortium.

14 “(3) DEFINITION OF INDIAN COMMUNITY-
15 BASED ORGANIZATION.—In this subsection, the term
16 ‘Indian community-based organization’ means any
17 organization that—

18 “(A) is composed primarily of Indian par-
19 ents and community members, tribal govern-
20 ment education officials, and tribal members
21 from a specific community;

22 “(B) assists in the social, cultural, and
23 educational development of Indians in such
24 community;

1 “(C) meets the unique cultural, language,
2 and academic needs of Indian students; and

3 “(D) demonstrates organizational capacity
4 to manage the grant.

5 “(e) CONSORTIA.—

6 “(1) IN GENERAL.—A local educational agency,
7 Indian tribe, or Indian organization that meets the
8 eligibility requirements under this section may form
9 a consortium with other eligible local educational
10 agencies, Indian tribes, or Indian organizations for
11 the purpose of obtaining grants and operating pro-
12 grams under this subpart.

13 “(2) REQUIREMENTS.—In any case where 2 or
14 more local educational agencies, Indian tribes, or In-
15 dian organizations that are eligible under subsection
16 (b) form or participate in a consortium to obtain a
17 grant, or operate a program, under this subpart,
18 each local educational agency, Indian tribe, and In-
19 dian organization participating in such a consortium
20 shall—

21 “(A) provide, in the application submitted
22 under section 7114, an assurance that the eligi-
23 ble Indian children served by such local edu-
24 cational agency, Indian tribe, and Indian orga-

1 nization will receive the services of the pro-
2 grams funded under this subpart; and

3 “(B) agree to be subject to all require-
4 ments, assurances, and obligations applicable to
5 a local educational agency, Indian tribe, and In-
6 dian organization receiving a grant under this
7 subpart.”;

8 (6) in section 7113—

9 (A) in subsection (b)(1), by striking “Bu-
10 reau of Indian Affairs” and inserting “Bureau
11 of Indian Education”; and

12 (B) in subsection (d)—

13 (i) in the subsection heading, by strik-
14 ing “INDIAN AFFAIRS” and inserting “IN-
15 DIAN EDUCATION”; and

16 (ii) in paragraph (1)(A)(i), by striking
17 “Bureau of Indian Affairs” and inserting
18 “Bureau of Indian Education”;

19 (7) in section 7114—

20 (A) in subsection (a), by inserting “Indian
21 tribe, or consortia as described in section
22 7113(b)(2)” after “Each local educational
23 agency,”;

24 (B) in subsection (b)—

25 (i) in paragraph (2)—

1 (I) in subparagraph (A), by strik-
2 ing “is consistent with the State and
3 local plans” and inserting “supports
4 the State, tribal, and local plans”; and
5 (II) by striking subparagraph (B)
6 and inserting the following:

7 “(B) includes program objectives and out-
8 comes for activities under this subpart that are
9 based on the same challenging State academic
10 standards developed by the State under title I
11 for all students;”;

12 (ii) by striking paragraph (3) and in-
13 sserting the following:

14 “(3) explains how the local educational agency,
15 tribe, or consortium will use funds made available
16 under this subpart to supplement other Federal,
17 State, and local programs that meet the needs of
18 such students;”;

19 (iii) in paragraph (5)(B), by striking
20 “and” after the semicolon;

21 (iv) in paragraph (6)—

22 (I) in subparagraph (B)—

23 (aa) in clause (i), by striking
24 “and” after the semicolon;

1 (bb) by adding at the end
2 the following:

3 “(iii) the Indian tribes whose children
4 are served by the local educational agency,
5 consistent with section 444 of the General
6 Education Provisions Act (20 U.S.C.
7 1232g) (commonly referred to as the
8 ‘Family Educational Rights and Privacy
9 Act of 1974’); and”;

10 (II) in subparagraph (C), by
11 striking the period at the end and in-
12 serting “; and”;

13 (v) by adding at the end the following:

14 “(7) describes the process the local educational
15 agency used to collaborate with Indian tribes located
16 in the community in the development of the com-
17 prehensive programs and the actions taken as a re-
18 sult of such collaboration.”;

19 (C) in subsection (c)—

20 (i) in paragraph (1), by striking “the
21 education of Indian children,” and insert-
22 ing “services and activities consistent with
23 those described in this subpart,”;

24 (ii) in paragraph (2)—

1 (I) in subparagraph (A), by strik-
2 ing “and” after the semicolon;

3 (II) in subparagraph (B), by
4 striking “served by such agency;” and
5 inserting “served by such agency, and
6 meet program objectives and outcomes
7 for activities under this subpart;
8 and”; and

9 (III) by adding at the end the
10 following:

11 “(C) determine the extent to which such
12 activities address the unique cultural, language,
13 and educational needs of Indian students;”;

14 (iii) in paragraph (3)(C)—

15 (I) by inserting “representatives
16 of Indian tribes on Indian lands lo-
17 cated within 50 miles of any school
18 that the agency will serve if such tribe
19 has any children in such school,” after
20 “parents of Indian children and teach-
21 ers,”; and

22 (II) by striking “and” after the
23 semicolon;

24 (iv) in paragraph (4)—

25 (I) in subparagraph (A)—

1 (aa) in clause (i), by insert-
2 ing “and family members” after
3 “parents”;

4 (bb) by redesignating
5 clauses (ii) and (iii) as clauses
6 (iii) and (iv), respectively; and

7 (cc) by inserting after clause
8 (i) the following:

9 “(ii) representatives of Indian tribes
10 on Indian lands located within 50 miles of
11 any school that the agency will serve if
12 such tribe has any children in such
13 school;”;

14 (II) by striking subparagraph (B)
15 and inserting the following:

16 “(B) a majority of whose members are
17 parents and family members of Indian children
18 and representatives of Indian tribes described
19 in subparagraph (A)(ii), as applicable;”;

20 (III) in subparagraph (C), by in-
21 serting “and family members” after “,
22 parents”;

23 (IV) in subparagraph (D)(ii), by
24 striking “and” after the semicolon;

1 (V) in subparagraph (E), by
2 striking the period at the end and in-
3 sserting “; and”; and

4 (VI) by adding at the end the fol-
5 lowing:

6 “(F) that will determine the extent to
7 which the activities of the local educational
8 agency will address the unique cultural, lin-
9 guistic, and educational needs of Indian stu-
10 dents;”; and

11 (v) by adding at the end the following:

12 “(5) the local educational agency will coordinate
13 activities under this title with other Federal pro-
14 grams supporting educational and related services
15 administered by such agency;

16 “(6) the local educational agency conducted
17 outreach to parents and family members to meet the
18 requirements under this paragraph; and

19 “(7) the local educational agency will use funds
20 received under this subpart only for activities de-
21 scribed and authorized in this subpart.”; and

22 (D) by adding at the end the following:

23 “(d) OUTREACH.—The Secretary shall monitor the
24 applications for grants under this subpart to identify eligi-
25 ble local educational agencies and schools operated by the

1 Bureau of Indian Education that have not applied for such
2 grants, and shall undertake appropriate outreach activities
3 to encourage and assist eligible entities to submit applica-
4 tions for such grants.

5 “(e) TECHNICAL ASSISTANCE.—The Secretary shall,
6 directly or by contract, provide technical assistance to a
7 local educational agency or Bureau of Indian Education
8 school upon request (in addition to any technical assist-
9 ance available under other provisions of this Act or avail-
10 able through the Institute of Education Sciences) to sup-
11 port the services and activities provided under this sub-
12 part, including technical assistance for—

13 “(1) the development of applications under this
14 subpart;

15 “(2) improvement in the quality of implementa-
16 tion, content, and evaluation of activities supported
17 under this subpart; and

18 “(3) integration of activities under this subpart
19 with other educational activities carried out by the
20 local educational agency.”;

21 (8) in section 7115—

22 (A) in subsection (a)—

23 (i) in paragraph (1), by inserting
24 “solely for the services and activities de-

1 scribed in such application” after “under
2 section 7114(a)”; and

3 (ii) in paragraph (2), by inserting “to
4 be responsive to the unique learning styles
5 of Indian and Alaska Native children”
6 after “Indian students”;

7 (B) by striking subsection (b) and insert-
8 ing the following:

9 “(b) PARTICULAR ACTIVITIES.—The services and ac-
10 tivities referred to in subsection (a) may include—

11 “(1) activities that support Native American
12 language programs and Native American language
13 restoration programs, which may be taught by tradi-
14 tional leaders;

15 “(2) culturally related activities that support
16 the program described in the application submitted
17 by the local educational agency;

18 “(3) high-quality early childhood and family
19 programs that emphasize school readiness;

20 “(4) enrichment programs that focus on prob-
21 lem solving and cognitive skills development and di-
22 rectly support the attainment of challenging State
23 academic standards described in 1111(b);

24 “(5) integrated educational services in combina-
25 tion with other programs that meet the needs of In-

1 dian children and their families, including programs
2 that promote parental involvement in school activi-
3 ties and increase student achievement;

4 “(6) career preparation activities to enable In-
5 dian students to participate in programs such as the
6 programs supported by the Carl D. Perkins Career
7 and Technical Education Act of 2006, including pro-
8 grams for tech-prep education, mentoring, and ap-
9 prenticeship;

10 “(7) activities to educate individuals so as to
11 prevent violence, suicide, and substance abuse;

12 “(8) the acquisition of equipment, but only if
13 the acquisition of the equipment is essential to
14 achieve the purpose described in section 7111;

15 “(9) activities that promote the incorporation of
16 culturally responsive teaching and learning strategies
17 into the educational program of the local educational
18 agency;

19 “(10) family literacy services;

20 “(11) activities that recognize and support the
21 unique cultural and educational needs of Indian chil-
22 dren, and incorporate appropriately qualified tribal
23 elders and seniors; and

24 “(12) dropout prevention strategies and strate-
25 gies to—

1 “(A) meet the educational needs of at-risk
2 Indian students in correctional facilities; and

3 “(B) support Indian students who are
4 transitioning from such facilities to schools
5 served by local educational agencies.”;

6 (C) in subsection (c)—

7 (i) in paragraph (1), by striking
8 “and” after the semicolon;

9 (ii) in paragraph (2), by striking the
10 period and inserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(3) the local educational agency identifies in
14 its application how the use of such funds in a
15 schoolwide program will provide benefits to Indian
16 students.”; and

17 (D) by adding at the end the following:

18 “(e) LIMITATION ON USE OF FUNDS.—Funds pro-
19 vided to a grantee under this subpart may not be used
20 for long-distance travel expenses for training activities
21 available locally or regionally.”;

22 (9) in section 7116—

23 (A) in subsection (g)—

1 (i) by striking “No Child Left Behind
2 Act of 2001” and inserting “Every Child
3 Achieves Act of 2015”;

4 (ii) by inserting “the Secretary of
5 Health and Human Services,” after “the
6 Secretary of the Interior,”; and

7 (iii) by inserting “and coordination”
8 after “providing for the implementation”;
9 and

10 (B) in subsection (o)—

11 (i) in paragraph (1), by striking “Not
12 later than 2 years after the date of enact-
13 ment of the No Child Left Behind Act of
14 2001,” and inserting “Not later than 2
15 years after date of enactment of the Every
16 Child Achieves Act of 2015, and every 5
17 years thereafter,”; and

18 (ii) by striking paragraph (2) and in-
19 serting the following:

20 “(2) CONTENTS.—The report required under
21 paragraph (1) shall identify—

22 “(A) any statutory barriers to the ability
23 of participants to more effectively integrate
24 their education and related services to Indian

1 students in a manner consistent with the objec-
2 tives of this section; and

3 “(B) the effective practices for program in-
4 tegration that result in increased student
5 achievement, graduation rates, and other rel-
6 evant outcomes for Indian students.”;

7 (10) in section 7117—

8 (A) in subsection (b)(1)—

9 (i) in subparagraph (A)(ii), by insert-
10 ing “or membership” after “the enroll-
11 ment”; and

12 (ii) in subparagraph (B), by inserting
13 “or membership” after “the enrollment”;

14 (B) by striking subsection (e) and insert-
15 ing the following:

16 “(e) DOCUMENTATION.—

17 “(1) IN GENERAL.—For purposes of deter-
18 mining whether a child is eligible to be counted for
19 the purpose of computing the amount of a grant
20 award under section 7113, the membership of the
21 child, or any parent or grandparent of the child, in
22 a tribe or band of Indians (as so defined) may be
23 established by proof other than an enrollment num-
24 ber, notwithstanding the availability of an enroll-
25 ment number for a member of such tribe or band.

1 Nothing in subsection (b) shall be construed to re-
2 quire the furnishing of an enrollment number.

3 “(2) NO NEW OR DUPLICATE DETERMINA-
4 TIONS.—Once a child is determined to be an Indian
5 eligible to be counted for such grant award, the local
6 educational agency shall maintain a record of such
7 determination and shall not require a new or dupli-
8 cate determination to be made for such child for a
9 subsequent application for a grant under this sub-
10 part.

11 “(3) PREVIOUSLY FILED FORMS.—An Indian
12 student eligibility form that was on file as required
13 by this section on the day before the date of enact-
14 ment of the Every Child Achieves Act of 2015 and
15 that met the requirements of this section, as this
16 section was in effect on the day before the date of
17 enactment of such Act, shall remain valid for such
18 Indian student.”;

19 (C) in subsection (g), by striking “Bureau
20 of Indian Affairs” and inserting “Bureau of In-
21 dian Education”; and

22 (D) by adding at the end the following:

23 “(i) TECHNICAL ASSISTANCE.—The Secretary shall,
24 directly or through contract, provide technical assistance
25 to a local educational agency or Bureau of Indian Edu-

1 cation school upon request, in addition to any technical
2 assistance available under section 1114 or available
3 through the Institute of Education Sciences, to support
4 the services and activities described under this section, in-
5 cluding for the—

6 “(1) development of applications under this sec-
7 tion;

8 “(2) improvement in the quality of implementa-
9 tion, content of activities, and evaluation of activities
10 supported under this subpart;

11 “(3) integration of activities under this title
12 with other educational activities established by the
13 local educational agency; and

14 “(4) coordination of activities under this title
15 with programs administered by each Federal agency
16 providing grants for the provision of educational and
17 related services and sharing of best practices.”;

18 (11) in section 7118, by striking subsection (c)
19 and inserting the following:

20 “(c) REDUCTION OF PAYMENT FOR FAILURE TO
21 MAINTAIN FISCAL EFFORT.—Each local educational
22 agency shall maintain fiscal effort in accordance with sec-
23 tion 9521 or be subject to reduced payments under this
24 subpart in accordance with such section 9521.”;

25 (12) in section 7121—

1 (A) by striking the section header and in-
2 serting the following:

3 **“SEC. 7121. IMPROVEMENT OF EDUCATIONAL OPPORTUNI-
4 TIES FOR INDIAN CHILDREN AND YOUTH.”;**

5 (B) in subsection (a)—

6 (i) in paragraph (1), by inserting
7 “and youth” after “Indian children”; and

8 (ii) in paragraph (2)(B), by inserting
9 “and youth” after “Alaska Native chil-
10 dren”;

11 (C) in subsection (b), by striking “Indian
12 institution (including an Indian institution of
13 higher education)” and inserting “a Tribal Col-
14 lege or University (as defined in section 316(b)
15 of the Higher Education Act of 1965)”;

16 (D) in subsection (c)—

17 (i) in paragraph (1)—

18 (I) in subparagraph (A), by in-
19 serting “and youth” after “disadvan-
20 taged children”;

21 (II) in subparagraph (B), by in-
22 serting “and youth” after “such chil-
23 dren”;

1 (III) in subparagraph (D), by in-
2 serting “and youth” after “Indian
3 children”;

4 (IV) in subparagraph (E), by in-
5 serting “and youth” after “Indian
6 children” both places the term ap-
7 pears;

8 (V) by striking subparagraph (G)
9 and inserting the following:

10 “(G) high-quality early childhood education
11 programs that are effective in preparing young
12 children to be making sufficient academic
13 progress by the end of grade 3, including kin-
14 dergarten and prekindergarten programs, fam-
15 ily-based preschool programs that emphasize
16 school readiness, and the provision of services
17 to Indian children with disabilities;” and

18 (VI) in subparagraph (L)—

19 (aa) by striking “appro-
20 priately qualified tribal elders
21 and seniors” and inserting “tra-
22 ditional leaders”; and

23 (bb) by inserting “and
24 youth” after “Indian children”;

1 (ii) in paragraph (2), by striking
2 “Professional development” and inserting
3 “High-quality professional development”;
4 (E) in subsection (d)—

5 (i) in paragraph (1)(C), by striking
6 “make a grant payment for a grant de-
7 scribed in this paragraph to an eligible en-
8 tity after the initial year of the multiyear
9 grant only if the Secretary determines”
10 and inserting “award grants for an initial
11 period of not more than 3 years and may
12 renew such grants for not more than an
13 additional 2 years if the Secretary deter-
14 mines”; and

15 (ii) in paragraph (3)(B)—

16 (I) in clause (i), by striking “par-
17 ents of Indian children” and inserting
18 “parents and family of Indian chil-
19 dren”; and

20 (II) in clause (iii), by striking
21 “information demonstrating that the
22 proposed program for the activities is
23 a scientifically based research pro-
24 gram” and inserting “evidence dem-

1 onstrating that the proposed program
2 is an evidence-based program”; and

3 (F) by adding at the end the following:

4 “(f) CONTINUATION.—Notwithstanding any other
5 provision of this section, a grantee that is carrying out
6 activities pursuant to a grant awarded under this section
7 prior to the date of enactment of the Every Child Achieves
8 Act of 2015 may continue to carry out such activities after
9 such date of enactment under such grant in accordance
10 with the terms of such grant award.”;

11 (13) in section 7122—

12 (A) in subsection (a)—

13 (i) in paragraph (1), by striking “indi-
14 viduals in teaching or other education pro-
15 fessions that serve Indian people” and in-
16 serting “teachers and administrators serv-
17 ing Indian students”; and

18 (ii) in paragraph (2)—

19 (I) by inserting “and support”
20 after “to provide training”; and

21 (II) by striking “ancillary edu-
22 cational personnel” and inserting
23 “specialized instructional support per-
24 sonnel”;

25 (B) in subsection (b)—

1 (i) in paragraph (1), by striking “in-
2 cluding an Indian institution of higher
3 education” and inserting “including a
4 Tribal College or University, as defined in
5 section 316(b) of the Higher Education
6 Act of 1965”; and

7 (ii) in paragraph (4), by inserting “in
8 a consortium with at least one Tribal Col-
9 lege or University, as defined in section
10 316(b) of the Higher Education Act of
11 1965, where feasible” before the period at
12 the end;

13 (C) in subsection (d)(2), by adding at the
14 end the following:

15 “(C) CONTINUATION.—Notwithstanding
16 any other provision of this section, a grantee
17 that is carrying out activities pursuant to a
18 grant awarded under this section prior to the
19 date of enactment of the Every Child Achieves
20 Act of 2015 may continue to carry out such ac-
21 tivities under such grant in accordance with the
22 terms of that award.”;

23 (D) by striking subsection (e) and insert-
24 ing the following:

1 “(e) APPLICATION.—Each eligible entity desiring a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and accompanied
4 by such information, as the Secretary may reasonably re-
5 quire. At a minimum, an application under this section
6 shall describe how the eligible entity will—

7 “(1) recruit qualified Indian individuals, such
8 as students who may not be of traditional college
9 age, to become teachers, or principals, or school
10 leaders;

11 “(2) use funds made available under the grant
12 to support the recruitment, preparation, and profes-
13 sional development of Indian teachers or principals
14 in local educational agencies that serve a high pro-
15 portion of Indian students; and

16 “(3) assist participants in meeting the require-
17 ments under subsection (h).”;

18 (E) in subsection (f)—

19 (i) by redesignating paragraphs (1)
20 and (2) as paragraphs (2) and (3), respec-
21 tively;

22 (ii) by inserting before paragraph (2),
23 as redesignated by clause (i), the following:

1 “(1) may give priority in making grants to trib-
2 ally-chartered and federally-chartered institutions of
3 higher education;”; and

4 (iii) in paragraph (3), as redesignated
5 by clause (i), by striking “basis of” and all
6 that follows through the period at the end
7 and inserting “basis of the length of any
8 period for which the eligible entity has re-
9 ceived a grant.”;

10 (F) by striking subsection (g) and insert-
11 ing the following:

12 “(g) GRANT PERIOD.—The Secretary shall award
13 grants under this section for an initial period of not more
14 than 3 years, and may renew such grants for an additional
15 period of not more than 2 years if the Secretary finds that
16 the grantee is achieving the objectives of the grant.”; and

17 (G) in subsection (h)(1)(A)(ii), by striking
18 “people” and inserting “students in a local edu-
19 cational agency that serves a high proportion of
20 Indian students”;

21 (14) by striking section 7132, as redesignated
22 by section 7001(2), and inserting the following:

1 **“SEC. 7132. GRANTS TO TRIBES FOR EDUCATION ADMINIS-**
2 **TRATIVE PLANNING, DEVELOPMENT, AND CO-**
3 **ORDINATION.**

4 “(a) IN GENERAL.—The Secretary may award grants
5 under this section to eligible applicants to enable the eligi-
6 ble applicants to—

7 “(1) promote tribal self-determination in edu-
8 cation;

9 “(2) improve the academic achievement of In-
10 dian children and youth; and

11 “(3) promote the coordination and collaboration
12 of tribal educational agencies with State and local
13 educational agencies to meet the unique educational
14 and culturally related academic needs of Indian stu-
15 dents.

16 “(b) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE APPLICANT.—In this section,
18 the term ‘eligible applicant’ means—

19 “(A) an Indian tribe or tribal organization
20 approved by an Indian tribe; or

21 “(B) a tribal educational agency.

22 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
23 means a federally recognized tribe or a State-recog-
24 nized tribe.

25 “(3) TRIBAL EDUCATIONAL AGENCY.—The
26 term ‘tribal educational agency’ means the agency,

1 department, or instrumentality of an Indian tribe
2 that is primarily responsible for supporting tribal
3 students' elementary and secondary education.

4 “(c) GRANT PROGRAM.—The Secretary may award
5 grants to—

6 “(1) eligible applicants described under sub-
7 section (b)(1)(A) to plan and develop a tribal edu-
8 cational agency, if the tribe or organization has no
9 current tribal educational agency, for a period of not
10 more than 1 year; and

11 “(2) eligible applicants described under sub-
12 section (b)(1)(B), for a period of not more than 3
13 years, in order to—

14 “(A) directly administer education pro-
15 grams, including formula grant programs under
16 this Act, consistent with State law and under a
17 written agreement between the parties;

18 “(B) build capacity to administer and co-
19 ordinate such education programs, and to im-
20 prove the relationship and coordination between
21 such applicants and the State educational agen-
22 cies and local educational agencies that educate
23 students from the tribe;

24 “(C) receive training and support from the
25 State educational agency and local educational

1 agency, in areas such as data collection and
2 analysis, grants management and monitoring,
3 fiscal accountability, and other areas as needed;

4 “(D) train and support the State edu-
5 cational agency and local educational agency in
6 areas related to tribal history, language, or cul-
7 ture;

8 “(E) build on existing activities or re-
9 sources rather than replacing other funds; and

10 “(F) carry out other activities, subject to
11 the approval of the Secretary.

12 “(d) GRANT APPLICATION.—

13 “(1) IN GENERAL.—Each eligible applicant de-
14 siring a grant under this section shall submit an ap-
15 plication to the Secretary at such time, in such man-
16 ner, containing such information, and consistent
17 with such criteria, as the Secretary may reasonably
18 prescribe.

19 “(2) CONTENTS.—Each application described in
20 paragraph (1) shall contain—

21 “(A) a statement describing the activities
22 to be conducted, and the objectives to be
23 achieved, under the grant;

24 “(B) a description of the method to be
25 used for evaluating the effectiveness of the ac-

1 activities for which assistance is sought and for
2 determining whether such objectives are
3 achieved; and

4 “(C) for applications for activities under
5 subsection (c)(2), evidence of—

6 “(i) a preliminary agreement with the
7 appropriate State educational agency, 1 or
8 more local educational agencies, or both
9 the State educational agency and a local
10 educational agency; and

11 “(ii) existing capacity as a tribal edu-
12 cational agency.

13 “(3) APPROVAL.—The Secretary may approve
14 an application submitted by an eligible applicant
15 under this subsection only if the Secretary is satis-
16 fied that such application, including any documenta-
17 tion submitted with the application—

18 “(A) demonstrates that the eligible appli-
19 cant has consulted with other education enti-
20 ties, if any, within the territorial jurisdiction of
21 the applicant that will be affected by the activi-
22 ties to be conducted under the grant;

23 “(B) provides for consultation with such
24 other education entities in the operation and

1 evaluation of the activities conducted under the
2 grant; and

3 “(C) demonstrates that there will be ade-
4 quate resources provided under this section or
5 from other sources to complete the activities for
6 which assistance is sought.

7 “(e) RESTRICTIONS.—

8 “(1) IN GENERAL.—A tribe may not receive
9 funds under this section if such tribe receives funds
10 under section 1144 of the Education Amendments of
11 1978.

12 “(2) DIRECT SERVICES.—No funds under this
13 section may be used to provide direct services.

14 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds under
15 this section shall be used to supplement, and not supplant,
16 other Federal, State, and local programs that meet the
17 needs of tribal students.”;

18 (15) in section 7141(b)(1), by inserting “and
19 the Secretary of the Interior” after “advise the Sec-
20 retary”;

21 (16) in section 7151, by adding at the end the
22 following:

23 “(4) TRADITIONAL LEADERS.—The term ‘tradi-
24 tional leaders’ has the meaning given the term in

1 section 103 of the Native American Languages Act
2 (25 U.S.C. 2902).”; and

3 (17) in section 7152—

4 (A) in subsection (a), by striking
5 “\$96,400,000 for fiscal year 2002 and such
6 sums as may be necessary for each of the 5
7 succeeding fiscal years” and inserting “such
8 sums as may be necessary for each of fiscal
9 years 2016 through 2021”; and

10 (B) in subsection (b) by striking
11 “\$24,000,000 for fiscal year 2002 and such
12 sums as may be necessary for each of the 5
13 succeeding fiscal years” and inserting “such
14 sums as may be necessary for each of fiscal
15 years 2016 through 2021”.

16 **SEC. 7002. NATIVE HAWAIIAN EDUCATION.**

17 Part B of title VII (20 U.S.C. 7511 et seq.) is amend-
18 ed—

19 (1) in section 7202, by striking paragraphs (14)
20 through (21);

21 (2) by striking section 7204 and inserting the
22 following:

23 **“SEC. 7204. NATIVE HAWAIIAN EDUCATION COUNCIL.**

24 “(a) GRANT AUTHORIZED.—In order to better effec-
25 tuate the purposes of this part through the coordination

1 of educational and related services and programs available
2 to Native Hawaiians, including those programs that re-
3 ceive funding under this part, the Secretary shall award
4 a grant to the education council described under sub-
5 section (b).

6 “(b) EDUCATION COUNCIL.—

7 “(1) ELIGIBILITY.—To be eligible to receive the
8 grant under subsection (a), the council shall be an
9 education council (referred to in this section as the
10 ‘Education Council’) that meets the requirements of
11 this subsection.

12 “(2) COMPOSITION.—The Education Council
13 shall consist of 15 members, of whom—

14 “(A) 1 shall be the President of the Uni-
15 versity of Hawaii (or a designee);

16 “(B) 1 shall be the Governor of the State
17 of Hawaii (or a designee);

18 “(C) 1 shall be the Superintendent of the
19 State of Hawaii Department of Education (or a
20 designee);

21 “(D) 1 shall be the chairperson of the Of-
22 fice of Hawaiian Affairs (or a designee);

23 “(E) 1 shall be the executive director of
24 Hawaii’s Charter School Network (or a des-
25 ignee);

1 “(F) 1 shall be the chief executive officer
2 of the Kamehameha Schools (or a designee);

3 “(G) 1 shall be the Chief Executive Officer
4 of the Queen Liliuokalani Trust (or a designee);

5 “(H) 1 shall be a member, selected by the
6 other members of the Education Council, who
7 represents a private grant-making entity;

8 “(I) 1 shall be the Mayor of the County of
9 Hawaii (or a designee);

10 “(J) 1 shall be the Mayor of Maui County
11 (or a designee from the Island of Maui);

12 “(K) 1 shall be the Mayor of the County
13 of Kauai (or a designee);

14 “(L) 1 shall be appointed by the Mayor of
15 Maui County from the Island of Molokai or the
16 Island of Lanai;

17 “(M) 1 shall be the Mayor of the City and
18 County of Honolulu (or a designee);

19 “(N) 1 shall be the chairperson of the Ha-
20 waiian Homes Commission (or a designee); and

21 “(O) 1 shall be the chairperson of the Ha-
22 waii Workforce Development Council (or a des-
23 ignedee representing the private sector).

24 “(3) REQUIREMENTS.—Any designee serving on
25 the Education Council shall demonstrate, as deter-

1 mined by the individual who appointed such designee
2 with input from the Native Hawaiian community,
3 not less than 5 years of experience as a consumer
4 or provider of Native Hawaiian education or cultural
5 activities, with traditional cultural experience given
6 due consideration.

7 “(4) LIMITATION.—A member (including a des-
8 ignee), while serving on the Education Council, shall
9 not be a direct recipient or administrator of grant
10 funds that are awarded under this part.

11 “(5) TERM OF MEMBERS.—A member who is a
12 designee shall serve for a term of not more than 4
13 years.

14 “(6) CHAIR, VICE CHAIR.—

15 “(A) SELECTION.—The Education Council
16 shall select a Chairperson and a Vice-Chair-
17 person from among the members of the Edu-
18 cation Council.

19 “(B) TERM LIMITS.—The Chairperson and
20 Vice-Chairperson shall each serve for a 2-year
21 term.

22 “(7) ADMINISTRATIVE PROVISIONS RELATING
23 TO EDUCATION COUNCIL.—The Education Council
24 shall meet at the call of the Chairperson of the
25 Council, or upon request by a majority of the mem-

1 bers of the Education Council, but in any event not
2 less often than every 120 days.

3 “(8) NO COMPENSATION.—None of the funds
4 made available through the grant may be used to
5 provide compensation to any member of the Edu-
6 cation Council or member of a working group estab-
7 lished by the Education Council, for functions de-
8 scribed in this section.

9 “(c) USE OF FUNDS FOR COORDINATION ACTIVI-
10 TIES.—The Education Council shall use funds made avail-
11 able through a grant under subsection (a) to carry out
12 each of the following activities:

13 “(1) Providing advice about the coordination of,
14 and serving as a clearinghouse for, the educational
15 and related services and programs available to Na-
16 tive Hawaiians, including the programs assisted
17 under this part.

18 “(2) Assessing the extent to which such services
19 and programs meet the needs of Native Hawaiians,
20 and collecting data on the status of Native Hawaiian
21 education.

22 “(3) Providing direction and guidance, through
23 the issuance of reports and recommendations, to ap-
24 propriate Federal, State, and local agencies in order
25 to focus and improve the use of resources, including

1 resources made available under this part, relating to
2 Native Hawaiian education, and serving, where ap-
3 propriate, in an advisory capacity.

4 “(4) Awarding grants, if such grants enable the
5 Education Council to carry out the activities de-
6 scribed in paragraphs (1) through (3).

7 “(5) Hiring an executive director who shall as-
8 sist in executing the duties and powers of the Edu-
9 cation Council, as described in subsection (d).

10 “(d) USE OF FUNDS FOR TECHNICAL ASSIST-
11 ANCE.—The Education Council shall use funds made
12 available through a grant under subsection (a) to—

13 “(1) provide technical assistance to Native Ha-
14 waiian organizations that are grantees or potential
15 grantees under this part;

16 “(2) obtain from such grantees information and
17 data regarding grants awarded under this part, in-
18 cluding information and data about—

19 “(A) the effectiveness of such grantees in
20 meeting the educational priorities established by
21 the Education Council, as described in para-
22 graph (6)(D), using metrics related to these
23 priorities; and

24 “(B) the effectiveness of such grantees in
25 carrying out any of the activities described in

1 paragraphs (2) and (3) of section 7205(a) that
2 are related to the specific goals and purposes of
3 each grantee’s grant project, using metrics re-
4 lated to these priorities;

5 “(3) assess and define the educational needs of
6 Native Hawaiians;

7 “(4) assess the programs and services available
8 to address the educational needs of Native Hawai-
9 ians;

10 “(5) assess and evaluate the individual and ag-
11 gregate impact achieved by grantees under this part
12 in improving Native Hawaiian educational perform-
13 ance and meeting the goals of this part, using
14 metrics related to these goals; and

15 “(6) prepare and submit to the Secretary, at
16 the end of each calendar year, an annual report that
17 contains—

18 “(A) a description of the activities of the
19 Education Council during the calendar year;

20 “(B) a description of significant barriers to
21 achieving the goals of this part;

22 “(C) a summary of each community con-
23 sultation session described in subsection (e);
24 and

1 “(D) recommendations to establish prior-
2 ities for funding under this part, based on an
3 assessment of—

4 “(i) the educational needs of Native
5 Hawaiians;

6 “(ii) programs and services available
7 to address such needs;

8 “(iii) the effectiveness of programs in
9 improving the educational performance of
10 Native Hawaiian students to help such stu-
11 dents meet challenging State academic
12 standards under section 1111(b)(1); and

13 “(iv) priorities for funding in specific
14 geographic communities.

15 “(e) USE OF FUNDS FOR COMMUNITY CONSULTA-
16 TIONS.—The Education Council shall use funds made
17 available through the grant under subsection (a) to hold
18 not less than 1 community consultation each year on each
19 of the islands of Hawaii, Maui, Molokai, Lanai, Oahu, and
20 Kauai, at which—

21 “(1) not less than 3 members of the Education
22 Council shall be in attendance;

23 “(2) the Education Council shall gather com-
24 munity input regarding—

1 “(A) current grantees under this part, as
2 of the date of the consultation;

3 “(B) priorities and needs of Native Hawai-
4 ians; and

5 “(C) other Native Hawaiian education
6 issues; and

7 “(3) the Education Council shall report to the
8 community on the outcomes of the activities sup-
9 ported by grants awarded under this part.

10 “(f) FUNDING.—For each fiscal year, the Secretary
11 shall use the amount described in section 7205(c)(2), to
12 make a payment under the grant. Funds made available
13 through the grant shall remain available until expended.”;

14 (3) in section 7205—

15 (A) in subsection (a)(1)—

16 (i) in subparagraph (C), by striking
17 “and” after the semicolon;

18 (ii) by redesignating subparagraph
19 (D) as subparagraph (E); and

20 (iii) by inserting after subparagraph
21 (C) the following:

22 “(D) charter schools; and”;

23 (B) in subsection (c)—

24 (i) in paragraph (1), by striking “for
25 fiscal year 2002 and each of the 5 suc-

1 ceeding 5 fiscal years” and inserting “for
2 each of fiscal years 2016 through 2021”;
3 and

4 (ii) in paragraph (2), by striking “for
5 fiscal year 2002 and each of the 5 suc-
6 ceeding fiscal years” and inserting “for
7 each of fiscal years 2016 through 2021”;
8 and

9 (4) in section 7207—

10 (A) by redesignating paragraphs (1)
11 through (6) as paragraphs (2) through (7), re-
12 spectively; and

13 (B) by inserting before paragraph (2), as
14 redesignated by subparagraph (A), the fol-
15 lowing:

16 “(1) COMMUNITY CONSULTATION.—The term
17 ‘community consultation’ means a public gath-
18 ering—

19 “(A) to discuss Native Hawaiian education
20 concerns; and

21 “(B) about which the public has been given
22 not less than 30 days notice.”.

23 **SEC. 7003. ALASKA NATIVE EDUCATION.**

24 Part C of title VII (20 U.S.C. 7541 et seq.) is amend-
25 ed—

1 (1) in section 7302 by striking paragraphs (1)
2 through (7) and inserting the following:

3 “(1) It is the policy of the Federal Government
4 to maximize the leadership of and participation by
5 Alaska Native peoples in the planning and the man-
6 agement of Alaska Native education programs and
7 to support efforts developed by and undertaken with-
8 in the Alaska Native community to improve edu-
9 cational opportunity for all students.

10 “(2) Many Alaska Native children enter and
11 exit school with serious educational disadvantages.

12 “(3) Overcoming the magnitude of the geo-
13 graphic challenges, historical inequities, and other
14 barriers to successfully improving educational out-
15 comes for Alaska Native students in rural, village,
16 and urban settings is challenging. Significant dis-
17 parities between academic achievement of Alaska
18 Native students and non-Native students continues,
19 including lower graduation rates, increased school
20 dropout rates, and lower achievement scores on
21 standardized tests.

22 “(4) The preservation of Alaska Native cultures
23 and languages and the integration of Alaska Native
24 cultures and languages into education, positive iden-
25 tity development for Alaska Native students, and

1 local, place-based, and culture-based programming
2 are critical to the attainment of educational success
3 and the long-term well-being of Alaska Native stu-
4 dents.

5 “(5) Improving educational outcomes for Alaska
6 Native students increases access to employment op-
7 portunities.

8 “(6) The programs and activities authorized
9 under this subpart give priority to Alaska Native or-
10 ganizations as a means of increasing Alaska Native
11 parents’ and community involvement in the pro-
12 motion of academic success of Alaska Native stu-
13 dents.

14 “(7) The Federal Government should lend sup-
15 port to efforts developed by and undertaken within
16 the Alaska Native community to improve educational
17 opportunity for Alaska Native students. In 1983,
18 pursuant to Public Law 98–63, Alaska ceased to re-
19 ceive educational funding from the Bureau of Indian
20 Affairs. The Bureau of Indian Education does not
21 operate any schools in Alaska, nor operate or fund
22 Alaska Native education programs. The program
23 under this subpart supports the Federal trust re-
24 sponsibility of the United States to Alaska Na-
25 tives.”;

1 (2) in section 7303—

2 (A) in paragraph (1), by inserting “and
3 address” after “To recognize”;

4 (B) by striking paragraph (3);

5 (C) by redesignating paragraph (2) as
6 paragraph (4) and paragraph (4) as paragraph
7 (5);

8 (D) by inserting after paragraph (1) the
9 following:

10 “(2) To recognize the role of Alaska Native lan-
11 guages and cultures in the educational success and
12 long term well-being of Alaska Native students.

13 “(3) To integrate Alaska Native cultures and
14 languages into education, develop Alaska Native stu-
15 dents’ positive identity, and support local place-
16 based and culture-based curriculum and program-
17 ming.”;

18 (E) in paragraph (4), as redesignated by
19 subparagraph (C), by striking “of supplemental
20 educational programs to benefit Alaska Na-
21 tives.” and inserting “of supplemental edu-
22 cational programs to benefit Alaska Native peo-
23 ples.”; and

24 (F) by adding at the end the following:

1 “(6) To ensure the maximum participation by
2 Alaska Native educators and leaders in the planning,
3 development, implementation, management, and
4 evaluation of programs designed to serve Alaska Na-
5 tive students, and to ensure Alaska Native tribes
6 and tribal organizations play a meaningful role in
7 providing supplemental educational services to Alas-
8 ka Native students.”;

9 (3) by striking section 7304 and inserting the
10 following:

11 **“SEC. 7304. PROGRAM AUTHORIZED.**

12 “(a) GENERAL AUTHORITY.—

13 “(1) GRANTS AND CONTRACTS.—The Secretary
14 is authorized to make grants to, or enter into con-
15 tracts with, Indian tribes or tribal organizations that
16 are in partnership with a State educational agency
17 or a local educational agency to carry out programs
18 that meet the purposes of this subpart, or with In-
19 dian tribes or tribal organizations that operate pro-
20 grams that fulfill the purposes under this subpart.

21 “(2) MANDATORY ACTIVITIES.—Activities pro-
22 vided through the programs carried out under this
23 part shall include the following:

24 “(A) The development and implementation
25 of plans, methods, strategies and activities to

1 improve the educational outcomes of Alaska
2 Native peoples.

3 “(B) The collection of data to assist in the
4 evaluation of the programs carried out under
5 this subpart.

6 “(3) PERMISSIBLE ACTIVITIES.—Activities pro-
7 vided through programs carried out under this sub-
8 part may include the following:

9 “(A) The development of curricula and
10 programs that address the educational needs of
11 Alaska Native students, including the following:

12 “(i) Curriculum materials that reflect
13 the cultural diversity, languages, history,
14 or the contributions of Alaska Native peo-
15 ple.

16 “(ii) Instructional programs that
17 make use of Alaska Native languages and
18 cultures.

19 “(iii) Networks that develop, test, and
20 disseminate best practices and introduce
21 successful programs, materials, and tech-
22 niques to meet the educational needs of
23 Alaska Native students in urban and rural
24 schools.

1 “(iv) Methods to evaluate teachers’ in-
2 clusion of diverse Alaska Native cultures in
3 their lesson plans.

4 “(B) Training and professional develop-
5 ment activities for educators, including the fol-
6 lowing:

7 “(i) Pre-service and in-service training
8 and professional development programs to
9 prepare teachers to develop appreciation
10 for and understanding of Alaska Native
11 history, cultures, values, and ways of
12 knowing and learning in order to effec-
13 tively address the cultural diversity and
14 unique needs of Alaska Native students
15 and incorporate them into lesson plans and
16 teaching methods.

17 “(ii) Recruitment and preparation of
18 teachers who are Alaska Native.

19 “(iii) Programs that will lead to the
20 certification and licensing of Alaska Native
21 teachers, principals, other school leaders,
22 and superintendents.

23 “(C) Early childhood and parenting edu-
24 cation activities designed to improve the school
25 readiness of Alaska Native children, including—

1 “(i) the development and operation of
2 home visiting programs for Alaska Native
3 preschool children, to ensure the active in-
4 volvement of parents in their children’s
5 education from the earliest ages;

6 “(ii) training, education, and support,
7 including in-home visitation, for parents
8 and caregivers of Alaska Native children to
9 improve parenting and caregiving skills
10 (including skills relating to discipline and
11 cognitive development, reading readiness,
12 observation, storytelling, and critical think-
13 ing);

14 “(iii) family literacy services;

15 “(iv) activities carried out under the
16 Head Start Act;

17 “(v) programs for parents and their
18 infants, from the prenatal period of the in-
19 fant through age 3;

20 “(vi) early childhood education pro-
21 grams; and

22 “(vii) Native language immersion
23 within early childhood, Head Start, or pre-
24 school programs.

1 “(D) The development and operation of
2 student enrichment programs, including those
3 in science, technology, engineering, and mathe-
4 matics that—

5 “(i) are designed to prepare Alaska
6 Native students to excel in such subjects;

7 “(ii) provide appropriate support serv-
8 ices to enable such students to benefit
9 from the programs; and

10 “(iii) include activities that recognize
11 and support the unique cultural and edu-
12 cational needs of Alaska Native children
13 and incorporate appropriately qualified
14 Alaska Native elders and other tradition
15 bearers.

16 “(E) Research and data collection activi-
17 ties to determine the educational status and
18 needs of Alaska Native children and adults and
19 other such research and evaluation activities re-
20 lated to programs funded under this subpart.

21 “(F) Activities designed to increase Alaska
22 Native students’ graduation rates and assist
23 Alaska Native students to be prepared for post-
24 secondary education or the workforce without

1 the need for postsecondary remediation, such
2 as—

3 “(i) remedial and enrichment pro-
4 grams;

5 “(ii) culturally based education pro-
6 grams such as—

7 “(I) programs of study and other
8 instruction in Alaska Native history
9 and ways of living to share the rich
10 and diverse cultures of Alaska Native
11 peoples among Alaska Native youth
12 and elders, non-Native students and
13 teachers, and the larger community;

14 “(II) instructing Alaska Native
15 youth in leadership, communication,
16 Native culture, arts, and languages;

17 “(III) inter-generational learning
18 and internship opportunities to Alaska
19 Native youth and young adults;

20 “(IV) cultural immersion activi-
21 ties;

22 “(V) culturally informed cur-
23 riculum intended to preserve and pro-
24 mote Alaska Native culture;

1 “(VI) Native language instruc-
2 tion and immersion activities;

3 “(VII) school-within-a-school
4 model programs; and

5 “(VIII) college preparation and
6 career planning; and

7 “(iii) holistic school or community-
8 based support services to enable such stu-
9 dents to benefit from the supplemental
10 programs offered, including those that ad-
11 dress family instability, school climate,
12 trauma, safety, and nonacademic learning.

13 “(G) The establishment or operation of
14 Native language immersion nests or schools.

15 “(H) Student and teacher exchange pro-
16 grams, cross-cultural immersion programs, and
17 culture camps designed to build mutual respect
18 and understanding among participants.

19 “(I) Education programs for at-risk urban
20 Alaska Native students that are designed to im-
21 prove academic proficiency and graduation
22 rates, utilize strategies otherwise permissible
23 under this subpart, and incorporate a strong
24 data collection and continuous evaluation com-
25 ponent.

1 “(J) Strategies designed to increase par-
2 ents’ involvement in their children’s education.

3 “(K) Programs and strategies that provide
4 technical assistance and support to schools and
5 communities to engage adults in promoting the
6 academic progress and overall well-being of
7 Alaska Native people such as through—

8 “(i) strength-based approaches to
9 child and youth development;

10 “(ii) positive youth-adult relation-
11 ships; and

12 “(iii) improved conditions for learning
13 (school climate, student connection to
14 school and community), and increased con-
15 nections between schools and families.

16 “(L) Career preparation activities to en-
17 able Alaska Native children and adults to pre-
18 pare for meaningful employment, including pro-
19 grams providing tech-prep, mentoring, training,
20 and apprenticeship activities.

21 “(M) Provision of operational support and
22 purchasing of equipment, to develop regional
23 vocational schools in rural areas of Alaska, in-
24 cluding boarding schools, for Alaska Native stu-
25 dents in grades 9 through 12, or at higher lev-

1 els of education, to provide the students with
2 necessary resources to prepare for skilled em-
3 ployment opportunities.

4 “(N) Regional leadership academies that
5 demonstrate effectiveness in building respect
6 and understanding, and fostering a sense of
7 Alaska Native identity to promote their pursuit
8 of and success in completing higher education
9 or career training.

10 “(O) Other activities, consistent with the
11 purposes of this subpart, to meet the edu-
12 cational needs of Alaska Native children and
13 adults.

14 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this section
16 such sums as may be necessary for each of fiscal years
17 2016 through 2021.”;

18 (4) by striking section 7305 and inserting the
19 following:

20 **“SEC. 7305. FUNDS FOR ADMINISTRATIVE PURPOSES.**

21 “Not more than 5 percent of funds provided to an
22 award recipient under this part for any fiscal year may
23 be used for administrative purposes.”; and

24 (5) in section 7306—

1 (A) in paragraph (1), by inserting “(43
2 U.S.C. 1602(b)) and includes the descendants
3 of individuals so defined” after “Settlement
4 Act”; and

5 (B) by inserting after paragraph (2), the
6 following:

7 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
8 has the meaning given the term in section 4 of the
9 Indian Self-Determination and Education Assistance
10 Act.

11 “(4) TRIBAL ORGANIZATION.—The term ‘tribal
12 organization’ has the meaning given the term in sec-
13 tion 4 of the Indian Self-Determination and Edu-
14 cation Assistance Act.”.

15 **SEC. 7004. NATIVE AMERICAN LANGUAGE IMMERSION**
16 **SCHOOLS AND PROGRAMS.**

17 Title VII (20 U.S.C. 7401) is further amended by
18 adding at the end the following:

19 **“PART D—NATIVE AMERICAN AND ALASKA NA-**
20 **TIVE LANGUAGE IMMERSION SCHOOLS AND**
21 **PROGRAMS**

22 **“SEC. 7401. NATIVE AMERICAN AND ALASKA NATIVE LAN-**
23 **GUAGE IMMERSION SCHOOLS.**

24 “(a) PURPOSES.—The purposes of this section are—

1 “(1) to establish a grant program to support
2 schools that use Native American and Alaska Native
3 languages as the primary language of instruction;

4 “(2) to maintain, protect, and promote the
5 rights and freedom of Native Americans and Alaska
6 Natives to use, practice, maintain, and revitalize
7 their languages, as envisioned in the Native Amer-
8 ican Languages Act (25 U.S.C. 2901 et seq.); and

9 “(3) to support the Nation’s First Peoples’ ef-
10 ferts to maintain and revitalize their languages and
11 cultures, and to improve student outcomes within
12 Native American and Alaska Native communities.

13 “(b) DEFINITION.—In this part, the term ‘Native
14 American’ has the meaning given the term in section 103
15 of the Native American Languages Act (25 U.S.C. 2902).

16 “(c) PROGRAM AUTHORIZED.—

17 “(1) IN GENERAL.—From the amounts made
18 available to carry out this part, the Secretary may
19 award grants to eligible entities to develop and
20 maintain, or to improve and expand, programs that
21 support schools, including prekindergarten through
22 postsecondary education sites and streams, using
23 Native American and Alaska Native languages as
24 the primary language of instruction.

1 “(2) ELIGIBLE ENTITIES.—In this section, the
2 term ‘eligible entity’ means any of the following enti-
3 ties that has a plan to develop and maintain, or to
4 improve and expand, programs that support the en-
5 tity’s use of Native American or Alaska Native lan-
6 guages as the primary language of instruction:

7 “(A) An Indian tribe.

8 “(B) A Tribal College or University (as de-
9 fined in section 316 of the Higher Education
10 Act of 1965).

11 “(C) A tribal education agency.

12 “(D) A public elementary school or sec-
13 ondary school (including a public charter
14 school).

15 “(E) A school operated by the Bureau of
16 Indian Education.

17 “(F) An Alaska Native Regional Corpora-
18 tion (as defined in section 3 of the Alaska Na-
19 tive Claims Settlement Act (43 U.S.C. 1602)).

20 “(G) A private, tribal, or Alaska Native
21 nonprofit organization.

22 “(d) APPLICATION.—

23 “(1) IN GENERAL.—An eligible entity that de-
24 sires to receive a grant under this section shall sub-
25 mit an application to the Secretary at such time, in

1 such manner, and containing such information as
2 the Secretary may require, including the following:

3 “(A) The name of the Native American or
4 Alaska Native language to be used for instruc-
5 tion at the school supported by the eligible enti-
6 ty.

7 “(B) The number of students attending
8 such school.

9 “(C) The number of present hours of in-
10 struction in or through 1 or more Native Amer-
11 ican or Alaska Native languages being provided
12 to targeted students at such school, if any.

13 “(D) A description of how the applicant
14 will—

15 “(i) use the funds provided to meet
16 the purposes of this part;

17 “(ii) implement the activities de-
18 scribed in subsection (f);

19 “(iii) ensure the implementation of
20 rigorous academic content; and

21 “(iv) ensure that students progress to-
22 wards high-level fluency goals.

23 “(E) Information regarding the school’s
24 organizational governance or affiliations, includ-
25 ing information about—

1 “(i) the school governing entity (such
2 as a local educational agency, tribal edu-
3 cation agency or department, charter orga-
4 nization, private organization, or other
5 governing entity);

6 “(ii) the school’s accreditation status;

7 “(iii) any partnerships with institu-
8 tions of higher education; and

9 “(iv) any indigenous language school-
10 ing and research cooperatives.

11 “(F) An assurance that—

12 “(i) the school is engaged in meeting
13 State or tribally designated proficiency lev-
14 els for students, as may be required by ap-
15 plicable Federal, State, or tribal law;

16 “(ii) the school provides assessments
17 of students using the Native American or
18 Alaska Native language of instruction,
19 where possible;

20 “(iii) the qualifications of all instruc-
21 tional and leadership personnel at such
22 school is sufficient to deliver high quality
23 education through the Native American or
24 Alaska Native language used in the school;
25 and

1 “(iv) the school will collect and report
2 to the public data relative to student
3 achievement and, if appropriate, rates of
4 high school graduation, career readiness,
5 and enrollment in postsecondary education
6 or job training programs, of students who
7 are enrolled in the school’s programs.

8 “(2) LIMITATION.—The Secretary shall not give
9 a priority in awarding grants under this part based
10 on the information described in paragraph (1)(E).

11 “(3) SUBMISSION OF CERTIFICATION.—

12 “(A) IN GENERAL.—An eligible entity that
13 is a public elementary school or secondary
14 school (including a public charter school) or a
15 non-tribal for-profit or nonprofit organization
16 shall submit, along with the application require-
17 ments described in paragraph (1), a certifi-
18 cation described in subparagraph (B) indicating
19 that the school has the capacity to provide edu-
20 cation primarily through a Native American or
21 Alaska Native language and that there are suf-
22 ficient speakers of the target language at the
23 school or available to be hired by the school.

24 “(B) CERTIFICATION.—The certification
25 described in subparagraph (A) shall be from

1 one of the following entities, on whose land the
2 school is located, that is an entity served by
3 such school, or that is an entity whose members
4 (as defined by that entity) are served by the
5 school:

6 “(i) A Tribal College or University.

7 “(ii) A federally recognized Indian
8 tribe or tribal organization.

9 “(iii) An Alaska Native Regional Cor-
10 poration or an Alaska Native nonprofit or-
11 ganization.

12 “(iv) A Native Hawaiian organization.

13 “(e) AWARDING OF GRANTS.—In awarding grants
14 under this section, the Secretary shall—

15 “(1) determine the amount of each grant and
16 the duration of each grant, which shall not exceed
17 3 years; and

18 “(2) ensure, to the maximum extent feasible,
19 that diversity in languages is represented.

20 “(f) ACTIVITIES AUTHORIZED.—

21 “(1) REQUIRED ACTIVITIES.—An eligible entity
22 that receives a grant under this section shall use
23 such funds to carry out the following activities:

24 “(A) Supporting Native American or Alas-
25 ka Native language education and development.

1 “(B) Providing professional development
2 for teachers and, as appropriate, staff and ad-
3 ministrators to strengthen the overall language
4 and academic goals of the school that will be
5 served by the grant program.

6 “(C) Carrying out other activities that pro-
7 mote the maintenance and revitalization of the
8 Native American or Alaska Native language rel-
9 evant to the grant program.

10 “(2) ALLOWABLE ACTIVITIES.—An eligible enti-
11 ty that receives a grant under this section may use
12 such funds to carry out the following activities:

13 “(A) Developing or refining curriculum, in-
14 cluding teaching materials and activities, as ap-
15 propriate.

16 “(B) Creating or refining assessments
17 written in the Native American or Alaska Na-
18 tive language of instruction that measure stu-
19 dent proficiency and that are aligned with State
20 or tribal academic standards.

21 “(g) REPORT TO SECRETARY.—Each eligible entity
22 that receives a grant under this part shall provide an an-
23 nual report to the Secretary in such form and manner as
24 the Secretary may require.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as may be necessary for fiscal years 2016
4 through 2021.”.

5 **TITLE VIII—IMPACT AID**

6 **SEC. 8001. PURPOSE.**

7 Section 8001 (20 U.S.C. 7701) is amended in the
8 matter preceding paragraph (1), by striking “challenging
9 State standards” and inserting “the same challenging
10 State academic standards”.

11 **SEC. 8002. AMENDMENT TO IMPACT AID IMPROVEMENT**

12 **ACT OF 2012.**

13 Section 563(c) of the National Defense Authorization
14 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
15 1748; 20 U.S.C. 6301 note) is amended—

16 (1) by striking paragraphs (1) and (4); and

17 (2) by redesignating paragraphs (2) and (3) as
18 paragraphs (1) and (2), respectively.

19 **SEC. 8003. PAYMENTS RELATING TO FEDERAL ACQUISI-**

20 **TION OF REAL PROPERTY.**

21 Section 8002 (20 U.S.C. 7702) is amended—

22 (1) in subsection (b)(3), by striking subpara-
23 graph (B) and inserting the following:

24 “(B) SPECIAL RULE.—In the case of Fed-
25 eral property eligible under this section that is

1 within the boundaries of 2 or more local edu-
2 cational agencies that are eligible under this
3 section, any of such agencies may ask the Sec-
4 retary to calculate (and the Secretary shall cal-
5 culate) the taxable value of the eligible Federal
6 property that is within its boundaries by—

7 “(i) first calculating the per-acre
8 value of the eligible Federal property sepa-
9 rately for each eligible local educational
10 agency that shared the Federal property,
11 as provided in subparagraph (A)(ii);

12 “(ii) then averaging the resulting per-
13 acre values of the eligible Federal property
14 from each eligible local educational agency
15 that shares the Federal property; and

16 “(iii) then applying the average per-
17 acre value to determine the total taxable
18 value of the eligible Federal property under
19 subparagraph (A)(iii) for the requesting
20 local educational agency.”;

21 (2) in subsection (e)(2), by adding at the end
22 the following: “For each fiscal year beginning with
23 fiscal year 2015, the Secretary shall treat local edu-
24 cational agencies chartered in 1871 having more
25 than 70 percent of the county in Federal ownership

1 as meeting the eligibility requirements of subpara-
2 graphs (A) and (C) of subsection (a)(1). For each
3 fiscal year beginning with fiscal year 2015, the Sec-
4 retary shall treat local educational agencies that
5 serve a county chartered or formed in 1734 having
6 more than 24 percent of the county in Federal own-
7 ership as meeting the eligibility requirements of sub-
8 paragraphs (A) and (C) of subsection (a)(1).”;

9 (3) by striking subsection (f) and inserting the
10 following:

11 “(f) SPECIAL RULE.—Beginning with fiscal year
12 2015, a local educational agency shall be deemed to meet
13 the requirements of subsection (a)(1)(C) if the agency was
14 eligible under paragraph (1) or (3) of this subsection, as
15 such subsection was in effect on the day before the date
16 of enactment of the Every Child Achieves Act of 2015.”;

17 (4) in subsection (h)(4), by striking “For each
18 local educational agency that received a payment
19 under this section for fiscal year 2010 through the
20 fiscal year in which the Impact Aid Improvement
21 Act of 2012 is enacted” and inserting “For each
22 local educational agency that received a payment
23 under this section for fiscal year 2010 or any suc-
24 ceeding fiscal year”;

25 (5) by striking subsection (k); and

1 (6) by redesignating subsections (l), (m), and
2 (n), as subsections (j), (k), and (l), respectively.

3 **SEC. 8004. PAYMENTS FOR ELIGIBLE FEDERALLY CON-**
4 **NECTED CHILDREN.**

5 Section 8003 (20 U.S.C. 7703) is amended—

6 (1) in subsection (a)(5)(A), by striking “to be
7 children” and all that follows through the period at
8 the end and inserting “or under lease of off-base
9 property under subchapter IV of chapter 169 of title
10 10, United States Code, to be children described
11 under paragraph (1)(B) if the property described is
12 within the fenced security perimeter of the military
13 facility or attached to and under any type of force
14 protection agreement with the military installation
15 upon which such housing is situated.”;

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking subparagraph (E); and

19 (ii) by redesignating subparagraphs

20 (F) and (G) as subparagraphs (E) and

21 (F), respectively;

22 (B) in paragraph (2), by striking subpara-

23 graphs (B) through (H) and inserting the fol-

24 lowing:

1 “(B) ELIGIBILITY FOR HEAVILY IMPACTED
2 LOCAL EDUCATIONAL AGENCIES.—

3 “(i) IN GENERAL.—A heavily im-
4 pacted local educational agency is eligible
5 to receive a basic support payment under
6 subparagraph (A) with respect to a num-
7 ber of children determined under sub-
8 section (a)(1) if the agency—

9 “(I) is a local educational agen-
10 cy—

11 “(aa) whose boundaries are
12 the same as a Federal military
13 installation or an island property
14 designated by the Secretary of
15 the Interior to be property that is
16 held in trust by the Federal Gov-
17 ernment; and

18 “(bb) that has no taxing au-
19 thority;

20 “(II) is a local educational agen-
21 cy that—

22 “(aa) has an enrollment of
23 children described in subsection
24 (a)(1) that constitutes a percent-
25 age of the total student enroll-

1 ment of the agency that is not
2 less than 45 percent;

3 “(bb) has a per-pupil ex-
4 penditure that is less than—

5 “(AA) for an agency
6 that has a total student en-
7 rollment of 500 or more stu-
8 dents, 125 percent of the av-
9 erage per-pupil expenditure
10 of the State in which the
11 agency is located; or

12 “(BB) for any agency
13 that has a total student en-
14 rollment less than 500, 150
15 percent of the average per-
16 pupil expenditure of the
17 State in which the agency is
18 located or the average per-
19 pupil expenditure of 3 or
20 more comparable local edu-
21 cational agencies in the
22 State in which the agency is
23 located; and

24 “(cc) is an agency that—

1 “(AA) has a tax rate
2 for general fund purposes
3 that is not less than 95 per-
4 cent of the average tax rate
5 for general fund purposes of
6 comparable local educational
7 agencies in the State; or

8 “(BB) was eligible to
9 receive a payment under this
10 subsection for fiscal year
11 2013 and is located in a
12 State that by State law has
13 eliminated ad valorem tax as
14 a revenue for local edu-
15 cational agencies;

16 “(III) is a local educational agen-
17 cy that—

18 “(aa) has an enrollment of
19 children described in subsection
20 (a)(1) that constitutes a percent-
21 age of the total student enroll-
22 ment of the agency that is not
23 less than 20 percent;

24 “(bb) for the 3 fiscal years
25 preceding the fiscal year for

1 which the determination is made,
2 the average enrollment of chil-
3 dren who are not described in
4 subsection (a)(1) and who are eli-
5 gible for a free or reduced price
6 lunch under the Richard B. Rus-
7 sell National School Lunch Act
8 constitutes a percentage of the
9 total student enrollment of the
10 agency that is not less than 65
11 percent; and

12 “(cc) has a tax rate for gen-
13 eral fund purposes which is not
14 less than 125 percent of the aver-
15 age tax rate for general fund
16 purposes for comparable local
17 educational agencies in the State;

18 “(IV) is a local educational agen-
19 cy that has a total student enrollment
20 of not less than 25,000 students, of
21 which—

22 “(aa) not less than 50 per-
23 cent are children described in
24 subsection (a)(1); and

1 “(bb) not less than 5,000 of
2 such children are children de-
3 scribed in subparagraphs (A) and
4 (B) of subsection (a)(1); or

5 “(V) is a local educational agency
6 that—

7 “(aa) has an enrollment of
8 children described in subsection
9 (a)(1) including, for purposes of
10 determining eligibility, those chil-
11 dren described in subparagraphs
12 (F) and (G) of such subsection,
13 that is not less than 35 percent
14 of the total student enrollment of
15 the agency;

16 “(bb) has a per-pupil ex-
17 penditure that is less than the
18 average per-pupil expenditure of
19 the State in which the agency is
20 located or the average per-pupil
21 expenditure of all States (which-
22 ever average per-pupil expendi-
23 ture is greater), except that a
24 local educational agency with a
25 total student enrollment of less

1 than 350 students shall be
2 deemed to have satisfied such
3 per-pupil expenditure require-
4 ment, and has a tax rate for gen-
5 eral fund purposes which is not
6 less than 95 percent of the aver-
7 age tax rate for general fund
8 purposes of local educational
9 agencies in the State; and

10 “(cc) was eligible to receive
11 assistance under subparagraph
12 (A) for fiscal year 2001.

13 “(ii) LOSS OF ELIGIBILITY.—

14 “(I) IN GENERAL.—Subject to
15 subclause (II), a heavily impacted
16 local educational agency that met the
17 requirements of clause (i) for a fiscal
18 year shall be ineligible to receive a
19 basic support payment under subpara-
20 graph (A) if the agency fails to meet
21 the requirements of clause (i) for a
22 subsequent fiscal year, except that
23 such agency shall continue to receive
24 a basic support payment under this
25 paragraph for the fiscal year for

1 which the ineligibility determination is
2 made.

3 “(II) LOSS OF ELIGIBILITY DUE
4 TO FALLING BELOW 95 PERCENT OF
5 THE AVERAGE TAX RATE FOR GEN-
6 ERAL FUND PURPOSES.—In a case of
7 a heavily impacted local educational
8 agency that is eligible to receive a
9 basic support payment under subpara-
10 graph (A), but that has had, for 2
11 consecutive fiscal years, a tax rate for
12 general fund purposes that falls below
13 95 percent of the average tax rate for
14 general fund purposes of comparable
15 local educational agencies in the
16 State, such agency shall be deter-
17 mined to be ineligible under clause (i)
18 and ineligible to receive a basic sup-
19 port payment under subparagraph (A)
20 for each fiscal year succeeding such 2
21 consecutive fiscal years for which the
22 agency has such a tax rate for general
23 fund purposes, and until the fiscal
24 year for which the agency resumes

1 such eligibility in accordance with
2 clause (iii).

3 “(III) TAKEN OVER BY STATE
4 BOARD OF EDUCATION.—In the case
5 of a heavily impacted local educational
6 agency that is eligible to receive a
7 basic support payment under subpara-
8 graph (A), but that has been taken
9 over by a State board of education in
10 2 previous years, such agency shall be
11 deemed to maintain heavily impacted
12 status for 2 fiscal years from after the
13 date of enactment of the Every Child
14 Achieves Act of 2015.

15 “(iii) RESUMPTION OF ELIGIBILITY.—
16 A heavily impacted local educational agen-
17 cy described in clause (i) that becomes in-
18 eligible under such clause for 1 or more
19 fiscal years may resume eligibility for a
20 basic support payment under this para-
21 graph for a subsequent fiscal year only if
22 the agency meets the requirements of
23 clause (i) for that subsequent fiscal year,
24 except that such agency shall not receive a
25 basic support payment under this para-

1 graph until the fiscal year succeeding the
2 fiscal year for which the eligibility deter-
3 mination is made.

4 “(C) MAXIMUM AMOUNT FOR HEAVILY IM-
5 PACTED LOCAL EDUCATIONAL AGENCIES.—

6 “(i) IN GENERAL.—Except as pro-
7 vided in subparagraph (D), the maximum
8 amount that a heavily impacted local edu-
9 cational agency is eligible to receive under
10 this paragraph for any fiscal year is the
11 sum of the total weighted student units, as
12 computed under subsection (a)(2) and sub-
13 ject to clause (ii), multiplied by the greater
14 of—

15 “(I) four-fifths of the average
16 per-pupil expenditure of the State in
17 which the local educational agency is
18 located for the third fiscal year pre-
19 ceding the fiscal year for which the
20 determination is made; or

21 “(II) four-fifths of the average
22 per-pupil expenditure of all of the
23 States for the third fiscal year pre-
24 ceding the fiscal year for which the
25 determination is made.

1 “(ii) CALCULATION OF WEIGHTED
2 STUDENT UNITS.—

3 “(I) IN GENERAL.—

4 “(aa) IN GENERAL.—For a
5 local educational agency with re-
6 spect to which 35 percent or
7 more of the total student enroll-
8 ment of the schools of the agency
9 are children described in sub-
10 paragraph (D) or (E) (or a com-
11 bination thereof) of subsection
12 (a)(1), and that has an enroll-
13 ment of children described in
14 subparagraph (A), (B), or (C) of
15 such subsection equal to at least
16 10 percent of the agency’s total
17 enrollment, the Secretary shall
18 calculate the weighted student
19 units of those children described
20 in subparagraph (D) or (E) of
21 such subsection by multiplying
22 the number of such children by a
23 factor of 0.55.

24 “(bb) EXCEPTION.—Not-
25 withstanding item (aa), a local

1 educational agency that received
2 a payment under this paragraph
3 for fiscal year 2013 shall not be
4 required to have an enrollment of
5 children described in subpara-
6 graph (A), (B), or (C) of sub-
7 section (a)(1) equal to at least 10
8 percent of the agency's total en-
9 rollment.

10 “(II) ENROLLMENT OF 100 OR
11 FEWER CHILDREN.—For a local edu-
12 cational agency that has an enroll-
13 ment of 100 or fewer children de-
14 scribed in subsection (a)(1), the Sec-
15 retary shall calculate the total number
16 of weighted student units for purposes
17 of subsection (a)(2) by multiplying the
18 number of such children by a factor of
19 1.75.

20 “(III) ENROLLMENT OF MORE
21 THAN 100 CHILDREN BUT LESS THAN
22 1000.—For a local educational agency
23 that is not described under subpara-
24 graph (B)(i)(I) and has an enrollment
25 of more than 100 but not more than

1 1,000 children described in subsection
2 (a)(1), the Secretary shall calculate
3 the total number of weighted student
4 units for purposes of subsection (a)(2)
5 by multiplying the number of such
6 children by a factor of 1.25.

7 “(D) MAXIMUM AMOUNT FOR LARGE
8 HEAVILY IMPACTED LOCAL EDUCATIONAL
9 AGENCIES.—

10 “(i) IN GENERAL.—

11 “(I) IN GENERAL.—Subject to
12 clause (ii), the maximum amount that
13 a heavily impacted local educational
14 agency described in subclause (II) is
15 eligible to receive under this para-
16 graph for any fiscal year shall be de-
17 termined in accordance with the for-
18 mula described in paragraph (1)(C).

19 “(II) HEAVILY IMPACTED LOCAL
20 EDUCATIONAL AGENCY.—A heavily
21 impacted local educational agency de-
22 scribed in this subclause is a local
23 educational agency that has a total
24 student enrollment of not less than
25 25,000 students, of which not less

1 than 50 percent are children described
2 in subsection (a)(1) and not less than
3 5,000 of such children are children
4 described in subparagraphs (A) and
5 (B) of subsection (a)(1).

6 “(ii) FACTOR.—For purposes of calcu-
7 lating the maximum amount described in
8 clause (i), the factor used in determining
9 the weighted student units under sub-
10 section (a)(2) with respect to children de-
11 scribed in subparagraphs (A) and (B) of
12 subsection (a)(1) shall be 1.35.

13 “(E) DATA.—For purposes of providing
14 assistance under this paragraph the Secretary
15 shall use student, revenue, expenditure, and tax
16 data from the third fiscal year preceding the
17 fiscal year for which the local educational agen-
18 cy is applying for assistance under this para-
19 graph.

20 “(F) DETERMINATION OF AVERAGE TAX
21 RATES FOR GENERAL FUND PURPOSES.—

22 “(i) IN GENERAL.—Except as pro-
23 vided in clause (ii), for the purpose of de-
24 termining the average tax rates for general
25 fund purposes for local educational agen-

1 cies in a State under this paragraph, the
2 Secretary shall use either—

3 “(I) the average tax rate for gen-
4 eral fund purposes for comparable
5 local educational agencies, as deter-
6 mined by the Secretary in regulations;
7 or

8 “(II) the average tax rate of all
9 the local educational agencies in the
10 State.

11 “(ii) FISCAL YEARS 2010-2015.—

12 “(I) IN GENERAL.—For fiscal
13 years 2010 through 2015, any local
14 educational agency that was found in-
15 eligible to receive a payment under
16 subparagraph (A) because the Sec-
17 retary determined that it failed to
18 meet the average tax rate requirement
19 for general fund purposes in subpara-
20 graph (B)(i)(II)(bb), shall be consid-
21 ered to have met that requirement, if
22 its State determined, through an al-
23 ternate calculation of average tax
24 rates for general fund purposes, that

1 such local educational agency met
2 that requirement.

3 “(II) SUBSEQUENT FISCAL
4 YEARS AFTER 2015.—For any suc-
5 ceeding fiscal year after 2015, any
6 local educational agency identified in
7 subclause (I) may continue to have its
8 State use that alternate methodology
9 to calculate whether the average tax
10 rate requirement for general fund
11 purposes under subparagraph
12 (B)(i)(II)(bb) is met.

13 “(III) AVAILABILITY OF
14 FUNDS.—Notwithstanding any other
15 provision of law limiting the period
16 during which the Secretary may obli-
17 gate funds appropriated for any fiscal
18 year after 2012, the Secretary shall
19 reserve an amount equal to a total of
20 \$14,000,000 from funds that remain
21 unobligated under this section from
22 fiscal years 2013 or 2014 in order to
23 make payments under this clause for
24 fiscal years 2011 through 2014.

1 “(G) ELIGIBILITY FOR HEAVILY IMPACTED
2 LOCAL EDUCATIONAL AGENCIES AFFECTED BY
3 PRIVATIZATION OF MILITARY HOUSING.—

4 “(i) ELIGIBILITY.—For any fiscal
5 year, a heavily impacted local educational
6 agency that received a basic support pay-
7 ment under this paragraph for the prior
8 fiscal year, but is ineligible for such pay-
9 ment for the current fiscal year under sub-
10 paragraph (B), (C), (D), or (E), as the
11 case may be, due to of the conversion of
12 military housing units to private housing
13 described in clause (iii), or as the direct re-
14 sult of base realignment and closure or
15 modularization as determined by the Sec-
16 retary of Defense and force structure
17 change or force relocation, shall be deemed
18 to meet the eligibility requirements under
19 subparagraph (B) or (C), as the case may
20 be, for the period during which the housing
21 units are undergoing such conversion or
22 during such time as activities associated
23 with base closure and realignment,
24 modularization, force structure change, or
25 force relocation are ongoing.

1 “(ii) AMOUNT OF PAYMENT.—The
2 amount of a payment to a heavily impacted
3 local educational agency for a fiscal year
4 by reason of the application of clause (i),
5 and calculated in accordance with subpara-
6 graph (C) or (D), as the case may be, shall
7 be based on the number of children in av-
8 erage daily attendance in the schools of
9 such agency for the fiscal year and under
10 the same provisions of subparagraph (C)
11 or (D) under which the agency was paid
12 during the prior fiscal year.

13 “(iii) CONVERSION OF MILITARY
14 HOUSING UNITS TO PRIVATE HOUSING DE-
15 SCRIBED.—For purposes of clause (i),
16 ‘conversion of military housing units to
17 private housing’ means the conversion of
18 military housing units to private housing
19 units pursuant to subchapter IV of chapter
20 169 of title 10, United States Code, or
21 pursuant to any other related provision of
22 law.”; and

23 (C) in paragraph (3)—

24 (i) in subparagraph (B), by striking
25 clause (iii) and inserting the following:

1 “(iii) In the case of a local educational
2 agency providing a free public education to stu-
3 dents enrolled in kindergarten through grade
4 12, that enrolls students described in subpara-
5 graphs (A), (B), and (D) of subsection (a)(1)
6 only in grades 9 through 12, and that received
7 a final payment in fiscal year 2009 calculated
8 under this paragraph (as this paragraph was in
9 effect on the day before the date of enactment
10 of the Every Child Achieves Act of 2015) for
11 students in grades 9 through 12, the Secretary
12 shall, in calculating the agency’s payment, con-
13 sider only that portion of such agency’s total
14 enrollment of students in grades 9 through 12
15 when calculating the percentage under clause
16 (i)(I) and only that portion of the total current
17 expenditures attributed to the operation of
18 grades 9 through 12 in such agency when cal-
19 culating the percentage under clause (i)(II).”;

20 (ii) in subparagraph (C), by striking
21 “subparagraph (D) or (E) of paragraph
22 (2),” and inserting “paragraph (2)(D)”;
23 and

24 (iii) by striking subparagraph (D) and
25 inserting the following:

1 “(D) RATABLE DISTRIBUTION.—For fiscal
2 years described in subparagraph (A), for which
3 the sums available exceed the amount required
4 to pay each local educational agency 100 per-
5 cent of its threshold payment, the Secretary
6 shall distribute the excess sums to each eligible
7 local educational agency that has not received
8 its full amount computed under paragraphs (1)
9 or (2) (as the case may be) by multiplying—

10 “(i) a percentage, the denominator of
11 which is the difference between the full
12 amount computed under paragraph (1) or
13 (2) (as the case may be) for all local edu-
14 cational agencies and the amount of the
15 threshold payment (as calculated under
16 subparagraphs (B) and (C)) of all local
17 educational agencies, and the numerator of
18 which is the aggregate of the excess sums,
19 by

20 “(ii) the difference between the full
21 amount computed under paragraph (1) or
22 (2) (as the case may be) for the agency
23 and the amount of the threshold payment
24 as calculated under subparagraphs (B) and
25 (C) of the agency.

1 “(E) INSUFFICIENT PAYMENTS.—For each
2 fiscal year described in subparagraph (A) for
3 which the sums appropriated are insufficient to
4 pay each local educational agency all of the
5 local educational agency’s threshold payment
6 described in subparagraph (D), the Secretary
7 shall ratably reduce the payment to each local
8 educational agency under this paragraph.

9 “(F) INCREASES.—If the sums appro-
10 priated are sufficient to increase the threshold
11 payment above the 100 percent threshold pay-
12 ment described in subparagraph (D), then the
13 Secretary shall increase payments on the same
14 basis as such payments were reduced, except no
15 local educational agency may receive a payment
16 amount greater than 100 percent of the max-
17 imum payment calculated under this subsection.

18 “(G) PROVISION OF TAX RATE AND RE-
19 SULTING PERCENTAGE.—The Secretary shall
20 provide the local educational agency’s tax rate
21 and the resulting percentage to each eligible
22 local educational agency immediately following
23 the payments of funds under paragraph (2).”;

24 (3) in subsection (c), by striking paragraph (2)
25 and inserting the following:

1 “(2) EXCEPTION.—Calculation of payments for
2 a local educational agency shall be based on data
3 from the fiscal year for which the agency is making
4 an application for payment if such agency—

5 “(A) is newly established by a State, for
6 the first year of operation of such agency only;

7 “(B) was eligible to receive a payment
8 under this section for the previous fiscal year
9 and has had an overall increase in enrollment
10 (as determined by the Secretary in consultation
11 with the Secretary of Defense, the Secretary of
12 Interior, or the heads of other Federal agen-
13 cies)—

14 “(i) of not less than 10 percent, or
15 100 students, of children described in—

16 “(I) subparagraph (A), (B), (C),
17 or (D) of subsection (a)(1); or

18 “(II) subparagraphs (F) and (G)
19 of subsection (a)(1), but only to the
20 extent such children are civilian de-
21 pendents of employees of the Depart-
22 ment of Defense or the Department of
23 Interior; and

24 “(ii) that is the direct result of closure
25 or realignment of military installations

1 under the base closure process or the relo-
2 cation of members of the Armed Forces
3 and civilian employees of the Department
4 of Defense as part of the force structure
5 changes or movements of units or per-
6 sonnel between military installations or be-
7 cause of actions initiated by the Secretary
8 of the Interior or the head of another Fed-
9 eral agency; or

10 “(C) was eligible to receive a payment
11 under this section for the previous fiscal year
12 and has had an increase in enrollment (as de-
13 termined by the Secretary)—

14 “(i) of not less than 10 percent of
15 children described in subsection (a)(1) or
16 not less than 100 of such children; and

17 “(ii) that is the direct result of the
18 closure of a local educational agency that
19 received a payment under subsection (b)(1)
20 or (b)(2) in the previous fiscal year.”;

21 (4) in subsection (d)—

22 (A) in the subsection heading, by striking
23 “CHILDREN” and inserting “STUDENTS”;

1 (B) in paragraph (1), by striking “chil-
2 dren” both places the term appears and insert-
3 ing “students”; and

4 (C) in paragraph (2), by striking “chil-
5 dren” and inserting “students”;

6 (5) in subsection (e), by striking paragraph (1)
7 and inserting the following:

8 “(1) IN GENERAL.—

9 “(A) IN GENERAL.—In the case of any
10 local educational agency whose payment under
11 subsection (b) for a fiscal year is determined to
12 be reduced by an amount greater than
13 \$5,000,000 or by 20 percent, as compared to
14 the amount received in the previous fiscal year,
15 the Secretary shall, subject to subparagraph
16 (B), pay a local educational agency, for each of
17 the 3 years following the reduction under sub-
18 section (b), the amount determined under sub-
19 paragraph (B).

20 “(B) AMOUNT OF REDUCTION.—Subject to
21 subparagraph (C), a local educational agency
22 described in subparagraph (A) shall receive—

23 “(i) for the first year for which the re-
24 duced payment is determined, an amount
25 that is not less than 90 percent of the total

1 amount that the local educational agency
2 received under paragraph (1) or (2) of sub-
3 section (b) in the fiscal year prior to the
4 reduction (referred to in this paragraph as
5 the ‘base year’);

6 “(ii) for the second year following
7 such reduction, an amount that is not less
8 than 85 percent of the total amount that
9 the local educational agency received under
10 paragraph (1) or (2) of subsection (b) in
11 the base year; and

12 “(iii) for the third year following such
13 reduction, an amount that is not less than
14 80 percent of the total amount that the
15 local educational agency received under
16 paragraph (1) or (2) of subsection (b) in
17 the base year.

18 “(C) SPECIAL RULE.—For any fiscal year
19 for which a local educational agency would be
20 subject to a reduced payment under clause (ii)
21 or (iii) of subparagraph (B), but the total
22 amount of the payment for which the local edu-
23 cational agency is eligible under subsection (b)
24 for that fiscal year is greater than the amount
25 that initially subjected the local educational

1 agency to the requirements of this subsection,
 2 the Secretary shall pay the greater amount to
 3 the local educational agency for such year.”;
 4 and
 5 (6) by striking subsection (g).

6 **SEC. 8005. POLICIES AND PROCEDURES RELATING TO**
 7 **CHILDREN RESIDING ON INDIAN LANDS.**

8 Section 8004(e)(9) (20 U.S.C. 7704(e)(9)) is amend-
 9 ed by striking “Affairs” both places the term appears and
 10 inserting “Education”.

11 **SEC. 8006. APPLICATION FOR PAYMENTS UNDER SECTIONS**
 12 **8002 AND 8003.**

13 Section 8005 (20 U.S.C. 7705) is amended—

14 (1) in subsection (b), in the matter preceding
 15 paragraph (1), by striking “, and shall contain such
 16 information,”;

17 (2) by redesignating subsections (c) and (d) as
 18 subsections (d) and (e), respectively; and

19 (3) by inserting after subsection (b) the fol-
 20 lowing:

21 “(c) STUDENT COUNT.—In collecting information to
 22 determine the eligibility of a local educational agency and
 23 the number of federally connected children for the local
 24 educational agency, the Secretary shall, in addition to any
 25 options provided under section 222.35 of title 34, Code

1 of Federal Regulations, or a successor regulation, allow
2 a local educational agency to count the number of such
3 children served by the agency as of the date by which the
4 agency requires all students to register for the school year
5 of the fiscal year for which the application is filed.”.

6 **SEC. 8007. CONSTRUCTION.**

7 Section 8007(b) (20 U.S.C. 7707(b)) is amended—

8 (1) in paragraph (3)(C)(i)(I), by adding at the
9 end the following:

10 “(cc) Not less than 10 percent of
11 the property in the agency is exempt
12 from State and local taxation under
13 Federal law.”; and

14 (2) in paragraph (6), by striking subparagraph
15 (F).

16 **SEC. 8008. STATE CONSIDERATION OF PAYMENTS IN PRO-**
17 **VIDING STATE AID.**

18 Section 8009(c)(1)(B) (20 U.S.C. 7709(c)(1)(B)) is
19 amended by striking “and contain the information”.

20 **SEC. 8009. DEFINITIONS.**

21 Section 8013(5)(A) (20 U.S.C. 7713(5)(A)) is
22 amended—

23 (1) in clause (ii), by striking subclause (III)
24 and inserting the following:

1 “(III) conveyed at any time under the
 2 Alaska Native Claims Settlement Act to a
 3 Native individual, Native group, or village
 4 or regional corporation (including single
 5 family occupancy properties that may have
 6 been subsequently sold or leased to a third
 7 party), except that property that is con-
 8 veyed under such Act—

9 “(aa) that is not taxed is, for the
 10 purposes of this paragraph, consid-
 11 ered tax-exempt due to Federal law;
 12 or

13 “(bb) is considered Federal prop-
 14 erty for the purpose of this para-
 15 graph, only if the property is located
 16 within a Regional Educational Attend-
 17 ance Area that has no taxing power;”;
 18 and

19 (2) in clause (iii)—

20 (A) in subclause (II), by striking “Stewart
 21 B. McKinney Homeless Assistance Act” and in-
 22 serting “McKinney-Vento Homeless Assistance
 23 Act (42 U.S.C. 11411)”; and

24 (B) by striking subclause (III) and insert-
 25 ing the following:

1 “(III) used for affordable housing as-
2 sisted under the Native American Housing
3 Assistance and Self-Determination Act of
4 1996 (25 U.S.C. 4101 et seq.); or”.

5 **SEC. 8010. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 8014 (20 U.S.C. 7714) is amended—

7 (1) in subsection (a), by striking “\$32,000,000
8 for fiscal year 2000 and such sums as may be nec-
9 essary for each of the seven succeeding fiscal years”
10 and inserting “such sums as may be necessary for
11 each of fiscal years 2016 through 2021”;

12 (2) in subsection (b), by striking
13 “\$809,400,000 for fiscal year 2000 and such sums
14 as may be necessary for each of the seven succeeding
15 fiscal years” and inserting “such sums as may be
16 necessary for each of fiscal years 2016 through
17 2021”;

18 (3) in subsection (c), by striking “\$50,000,000
19 for fiscal year 2000 and such sums as may be nec-
20 essary for each of the seven succeeding fiscal years”
21 and inserting “such sums as may be necessary for
22 each of fiscal years 2016 through 2021”;

23 (4) by redesignating subsections (e) and (f) as
24 subsections (d) and (e), respectively;

1 (5) in subsection (d), as redesignated by para-
2 graph (4), by striking “\$10,052,000 for fiscal year
3 2000 and such sums as may be necessary for fiscal
4 year 2001, \$150,000,000 for fiscal year 2002, and
5 such sums as may be necessary for each of the five
6 succeeding fiscal years” and inserting “such sums as
7 may be necessary for each of fiscal years 2016
8 through 2021”; and

9 (6) in subsection (e), as redesignated by para-
10 graph (4), by striking “\$5,000,000 for fiscal year
11 2000 and such sums as may be necessary for each
12 of the seven succeeding fiscal years” and inserting
13 “such sums as may be necessary for each of fiscal
14 years 2016 through 2021”.

15 **TITLE IX—GENERAL** 16 **PROVISIONS**

17 **SEC. 9101. DEFINITIONS.**

18 Section 9101 (20 U.S.C. 7801) is amended—

19 (1) by striking paragraphs (3), (19), (35), (36),
20 (37), and (42);

21 (2) by redesignating paragraphs (1), (2), (17),
22 (18), (20), (21), (22), (23), (24), (25), (26), (27),
23 (28), (29), (30), (31), (32), (33), (34), (38), (39),
24 (41), and (43) as paragraphs (2), (3), (18), (19),
25 (24), (25), (26), (27), (28), (20), (29), (30), (32),

1 (33), (34), (35), (36), (37), (38), (40), (41), (44),
2 and (45), respectively, and by transferring such
3 paragraph (20), as so redesignated, so as to follow
4 such paragraph (19), as so redesignated;

5 (3) by inserting before paragraph (2), as redesi-
6 gnated by paragraph (2), the following:

7 “(1) 4-YEAR ADJUSTED COHORT GRADUATION
8 RATE.—The term ‘4-year adjusted cohort graduation
9 rate’ has the meaning given the term ‘four-year ad-
10 justed cohort graduation rate’ in section
11 200.19(b)(1) of title 34, Code of Federal Regula-
12 tions, as such section was in effect on November 28,
13 2008.”;

14 (4) by striking paragraph (11) and inserting
15 the following:

16 “(11) CORE ACADEMIC SUBJECTS.—The term
17 ‘core academic subjects’ means English, reading or
18 language arts, writing, science, technology, engineer-
19 ing, mathematics, foreign languages, civics and gov-
20 ernment, economics, arts, history, geography, com-
21 puter science, music, and physical education, and
22 any other subject as determined by the State or local
23 educational agency.”;

24 (5) in paragraph (13)—

1 (A) by striking subparagraphs (B), (E),
2 (G), and (K);

3 (B) by redesignating subparagraphs (C),
4 (D), (F), (H), (I), (J), and (L), as subpara-
5 graphs (B), (C), (D), (E), (F), (G), and (I), re-
6 spectively; and

7 (C) by inserting after subparagraph (G),
8 as redesignated by subparagraph (B), the fol-
9 lowing:

10 “(H) part G of title V; and”;

11 (6) by inserting after paragraph (16) the fol-
12 lowing:

13 “(17) EARLY CHILDHOOD EDUCATION PRO-
14 GRAM.—The term ‘early childhood education pro-
15 gram’ has the meaning given the term in section 103
16 of the Higher Education Act of 1965.”;

17 (7) in paragraph (20), as redesignated and
18 moved by paragraph (2)—

19 (A) in the paragraph heading, by striking
20 “LIMITED ENGLISH PROFICIENT” and inserting
21 “ENGLISH LEARNER”;

22 (B) in the matter preceding subparagraph
23 (A), by striking “limited English proficient”
24 and inserting “English learner”; and

1 (C) in subparagraph (D)(i), by striking
2 “State’s proficient level of achievement on State
3 assessments described in section 1111(b)(3)”
4 and inserting “challenging State academic
5 standards described in section 1111(b)(1)”;

6 (8) by inserting after paragraph (20), as trans-
7 ferred and redesignated by paragraph (2), the fol-
8 lowing:

9 “(21) EVIDENCE-BASED.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the term ‘evidence-based’,
12 when used with respect to an activity, means an
13 activity that—

14 “(i) demonstrates a statistically sig-
15 nificant effect on improving student out-
16 comes or other relevant outcomes based
17 on—

18 “(I) strong evidence from at least
19 1 well-designed and well-implemented
20 experimental study;

21 “(II) moderate evidence from at
22 least 1 well-designed and well-imple-
23 mented quasi-experimental study; or

24 “(III) promising evidence from at
25 least 1 well-designed and well-imple-

1 mented correlational study with statis-
2 tical controls for selection bias; or

3 “(ii)(I) demonstrates a rationale that
4 is based on high-quality research findings
5 that such activity is likely to improve stu-
6 dent outcomes or other relevant outcomes;
7 and

8 “(II) includes ongoing efforts to ex-
9 amine the effects of such activity.

10 “(B) DEFINITION FOR PART A OF TITLE
11 I.—For purposes of part A of title I, the term
12 ‘evidence-based’, when used with respect to an
13 activity, means an activity that meets the re-
14 quirements of subclause (I) or (II) of subpara-
15 graph (A)(i).

16 “(22) EXPANDED LEARNING TIME.—The term
17 ‘expanded learning time’ means using a longer
18 school day, week, or year schedule to significantly
19 increase the total number of school hours, in order
20 to include additional time for—

21 “(A) instruction and enrichment in core
22 academic subjects, other academic subjects, and
23 other activities that contribute to a well-round-
24 ed education; and

1 “(B) instructional and support staff to col-
 2 laborate, plan, and engage in professional devel-
 3 opment (including professional development on
 4 family and community engagement) within and
 5 across grades and subjects.

6 “(23) EXTENDED-YEAR ADJUSTED COHORT
 7 GRADUATION RATE.—The term ‘extended-year ad-
 8 justed cohort graduation rate’ has the meaning given
 9 the term in section 200.19(b)(1)(v) of title 34, Code
 10 of Federal Regulations, as such section was in effect
 11 on November 28, 2008.”;

12 (9) by striking paragraph (27), as redesignated
 13 by paragraph (2), and inserting the following:

14 “(27) HIGH SCHOOL.—The term ‘high school’
 15 means a secondary school that—

16 “(A) grants a diploma, as defined by the
 17 State; and

18 “(B) includes, at least, grade 12.”;

19 (10) in paragraph (29), as redesignated by
 20 paragraph (2), in subparagraph (C)—

21 (A) in the subparagraph heading, by strik-
 22 ing “BIA” and inserting “BIE”; and

23 (B) by striking “Affairs” both places the
 24 term appears and inserting “Education”;

1 (11) by inserting after paragraph (30), as re-
2 designated by paragraph (2), the following:

3 “(31) MULTI-TIER SYSTEM OF SUPPORTS.—The
4 term ‘multi-tier system of supports’ means a com-
5 prehensive continuum of evidence-based, system-wide
6 practices to support a rapid response to academic
7 and behavioral needs, with frequent data-based mon-
8 itoring for instructional decisionmaking.”;

9 (12) in paragraph (33), as redesignated by
10 paragraph (2), by striking “pupil services” and in-
11 serting “specialized instructional support”;

12 (13) in paragraph (34), as redesignated by
13 paragraph (2), by striking “includes the freely asso-
14 ciated states” and all that follows through the period
15 at the end and inserting “includes the Republic of
16 Palau except during any period for which the Sec-
17 retary determines that a Compact of Free Associa-
18 tion is in effect that contains provisions for edu-
19 cation assistance prohibiting the assistance provided
20 under this Act.”;

21 (14) in paragraph (36), as redesignated by
22 paragraph (2)—

23 (A) in subparagraph (C), by inserting
24 “and” after the semicolon; and

1 (B) in subparagraph (D), by striking “sec-
2 tion 1118” and inserting “section 1115”;

3 (15) by striking paragraph (38), as redesign-
4 nated by paragraph (2), and inserting the following:

5 “(38) PROFESSIONAL DEVELOPMENT.—The
6 term ‘professional development’ means activities
7 that—

8 “(A) are coordinated and aligned to sup-
9 port educators (including teachers, principals,
10 other school leaders, specialized instructional
11 support personnel, paraprofessionals, and, as
12 applicable, early childhood educators); and

13 “(B) are designed and implemented to im-
14 prove student achievement and classroom prac-
15 tice, which may include activities that—

16 “(i) improve and increase teachers’—

17 “(I) knowledge of the academic
18 subjects the teachers teach;

19 “(II) understanding of how stu-
20 dents learn; and

21 “(III) ability to analyze student
22 work and achievement from multiple
23 sources, including how to adjust in-
24 structional strategies, assessments,
25 and materials based on such analysis;

1 “(ii) are an integral part of broad
2 schoolwide and districtwide educational im-
3 provement plans;

4 “(iii) allow personalized plans for each
5 educator to address the educator’s specific
6 needs identified in observation or other
7 feedback;

8 “(iv) give teachers, principals, other
9 school leaders, and administrators the
10 knowledge and skills to provide students
11 with the opportunity to meet challenging
12 State academic standards;

13 “(v) improve classroom management
14 skills;

15 “(vi)(I) are high-quality, sustained,
16 intensive, collaborative, job-embedded,
17 data-driven, and classroom-focused in
18 order to have a positive and lasting impact
19 on classroom instruction and the teacher’s
20 performance in the classroom; and

21 “(II) are not 1-day or short-term
22 workshops or conferences;

23 “(vii) support the recruiting, hiring,
24 and training of effective teachers, including
25 teachers who became certified through

1 State and local alternative routes to certifi-
2 cation;
3 “(viii) advance teacher understanding
4 of—
5 “(I) effective instructional strate-
6 gies that are evidence-based; and
7 “(II) strategies for improving
8 student academic achievement or sub-
9 stantially increasing the knowledge
10 and teaching skills of teachers;
11 “(ix) are aligned with and directly re-
12 lated to—
13 “(I) challenging State academic
14 standards and assessments under sec-
15 tion 1111(b);
16 “(II) the curricula and programs
17 tied to the standards described in sub-
18 clause (I); and
19 “(III) related academic goals of
20 the school or local educational agency;
21 “(x) are developed with extensive par-
22 ticipation of teachers, principals, other
23 school leaders, parents, and administrators
24 of schools to be served under this Act;

1 “(xi) are designed to give teachers of
2 children who are English learners, and
3 other teachers and instructional staff, the
4 knowledge and skills to provide instruction
5 and appropriate language and academic
6 support services to those children, includ-
7 ing the appropriate use of curricula and
8 assessments;

9 “(xii) to the extent appropriate, pro-
10 vide training for teachers, principals, and
11 other school leaders in the use of tech-
12 nology so that technology and technology
13 applications are effectively used in the
14 classroom to improve teaching and learning
15 in the curricula and academic subjects in
16 which the teachers teach;

17 “(xiii) as a whole, are regularly evalu-
18 ated for their impact on increased teacher
19 effectiveness and improved student aca-
20 demic achievement, with the findings of
21 the evaluations used to improve the quality
22 of professional development;

23 “(xiv) are designed to give teachers of
24 children with disabilities or children with
25 developmental delays, and other teachers

1 and instructional staff, the knowledge and
2 skills to provide instruction and academic
3 support services, to those children, includ-
4 ing positive behavioral interventions and
5 supports, multi-tiered systems of supports,
6 and use of accommodations;

7 “(xv) include instruction in the use of
8 data and assessments to inform and in-
9 struct classroom practice;

10 “(xvi) include instruction in ways that
11 teachers, principals, other school leaders,
12 specialized instructional support personnel,
13 and school administrators may work more
14 effectively with parents and families;

15 “(xvii) involve the forming of partner-
16 ships with institutions of higher education
17 to establish school-based teacher, principal,
18 and other school leader training programs
19 that provide prospective teachers, novice
20 teachers, principals, and other school lead-
21 ers with an opportunity to work under the
22 guidance of experienced teachers, prin-
23 cipals, other school leaders, and faculty of
24 such institutions;

1 “(xviii) create programs to enable
2 paraprofessionals (assisting teachers em-
3 ployed by a local educational agency receiv-
4 ing assistance under part A of title I) to
5 obtain the education necessary for those
6 paraprofessionals to become certified and
7 licensed teachers;

8 “(xix) provide follow-up training to
9 teachers who have participated in activities
10 described in this paragraph that are de-
11 signed to ensure that the knowledge and
12 skills learned by the teachers are imple-
13 mented in the classroom; and

14 “(xx) where applicable and practical,
15 provide jointly for school staff and other
16 early childhood education program pro-
17 viders, to address the transition to elemen-
18 tary school, including issues related to
19 school readiness.”;

20 (16) by inserting after paragraph (38), as re-
21 designated by paragraph (2), the following:

22 “(39) SCHOOL LEADER.—The term ‘school
23 leader’ means a principal, assistant principal, or
24 other individual who is—

1 “(A) an employee or officer of an elemen-
2 tary school or secondary school, local edu-
3 cational agency, or other entity operating an el-
4 ementary school or secondary school; and

5 “(B) responsible for the daily instructional
6 leadership and managerial operations in the ele-
7 mentary school or secondary school building.”;

8 (17) by inserting after paragraph (41), as re-
9 designated by paragraph (2), the following:

10 “(42) SPECIALIZED INSTRUCTIONAL SUPPORT
11 PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT
12 SERVICES.—

13 “(A) SPECIALIZED INSTRUCTIONAL SUP-
14 PORT PERSONNEL.—The term ‘specialized in-
15 structional support personnel’ means —

16 “(i) school counselors, school social
17 workers, and school psychologists; and

18 “(ii) other qualified professional per-
19 sonnel, such as school nurses and speech
20 language pathologists, involved in pro-
21 viding assessment, diagnosis, counseling,
22 educational, therapeutic, and other nec-
23 essary services (including related services
24 as that term is defined in section 602 of
25 the Individuals with Disabilities Education

1 Act) as part of a comprehensive program
2 to meet student needs.

3 “(B) SPECIALIZED INSTRUCTIONAL SUP-
4 PORT SERVICES.—The term ‘specialized instruc-
5 tional support services’ means the services pro-
6 vided by specialized instructional support per-
7 sonnel.”;

8 (18) by inserting after paragraph (45), as re-
9 designated by paragraph (2), the following:

10 “(46) UNIVERSAL DESIGN FOR LEARNING.—
11 The term ‘universal design for learning’ has the
12 meaning given the term in section 103 of the Higher
13 Education Act of 1965.”; and

14 (19) by striking the undesignated paragraph be-
15 tween paragraphs (41) and (44), as redesignated by
16 paragraph (2), and inserting the following:

17 “(43) STATE.—The term ‘State’ means each of
18 the 50 States, the District of Columbia, the Com-
19 monwealth of Puerto Rico, and each of the outlying
20 areas.”.

21 **SEC. 9102. APPLICABILITY TO BUREAU OF INDIAN EDU-
22 CATION OPERATED SCHOOLS.**

23 Section 9103 (20 U.S.C. 7803) is amended—

1 (1) in the section heading, by striking “**BU-**
2 **REAU OF INDIAN AFFAIRS**” and inserting “**BU-**
3 **REAU OF INDIAN EDUCATION**”; and

4 (2) by striking “Bureau of Indian Affairs” each
5 place the term appears and inserting “Bureau of In-
6 dian Education”.

7 **SEC. 9103. CONSOLIDATION OF FUNDS FOR LOCAL ADMIN-**
8 **ISTRATION.**

9 Section 9203(b) (20 U.S.C. 7823(b)) is amended by
10 striking “Within 1 year after the date of enactment of the
11 No Child Left Behind Act of 2001, a State” and inserting
12 “A State”.

13 **SEC. 9104. RURAL CONSOLIDATED PLAN.**

14 Section 9305 (20 U.S.C. 7845) is amended by adding
15 at the end the following:

16 “(e) RURAL CONSOLIDATED PLAN.—

17 “(1) IN GENERAL.—Two or more eligible local
18 educational agencies, a consortium of eligible local
19 education service agencies, or an educational service
20 agency on behalf of eligible local educational agen-
21 cies may submit plans or applications for 1 or more
22 covered programs to the State educational agency on
23 a consolidated basis, if each eligible local educational
24 agency impacted elects to participate in the joint ap-

1 plication or elects to allow the educational service
2 agency to apply on its behalf.

3 “(2) ELIGIBLE LOCAL EDUCATIONAL AGEN-
4 CY.—For the purposes of this subsection, the term
5 ‘eligible local educational agency’ means a local edu-
6 cational agency that is an eligible local educational
7 agency under part B of title VI.”.

8 **SEC. 9105. WAIVERS OF STATUTORY AND REGULATORY RE-**
9 **QUIREMENTS.**

10 Section 9401 (20 U.S.C. 7861) is amended—

11 (1) by striking subsection (a) and inserting the
12 following:

13 “(a) IN GENERAL.—

14 “(1) REQUEST FOR WAIVER BY STATE OR IN-
15 DIAN TRIBE.—A State educational agency or Indian
16 tribe that receives funds under a program authorized
17 under this Act may submit a request to the Sec-
18 retary to waive any statutory or regulatory require-
19 ment of this Act.

20 “(2) LOCAL EDUCATIONAL AGENCY AND
21 SCHOOL REQUESTS SUBMITTED THROUGH THE
22 STATE.—

23 “(A) REQUEST FOR WAIVER BY LOCAL
24 EDUCATIONAL AGENCY.—A local educational
25 agency that receives funds under a program au-

1 thorized under this Act and desires a waiver of
2 any statutory or regulatory requirement of this
3 Act shall submit a request containing the infor-
4 mation described in subsection (b)(1) to the ap-
5 propriate State educational agency. The State
6 educational agency may then submit the request
7 to the Secretary if the State educational agency
8 determines the waiver appropriate.

9 “(B) REQUEST FOR WAIVER BY SCHOOL.—

10 An elementary school or secondary school that
11 desires a waiver of any statutory or regulatory
12 requirement of this Act shall submit a request
13 containing the information described in sub-
14 section (b)(1) to the local educational agency
15 serving the school. The local educational agency
16 may then submit the request to the State edu-
17 cational agency in accordance with subpara-
18 graph (A) if the local educational agency deter-
19 mines the waiver appropriate.

20 “(3) RECEIPT OF WAIVER.—Except as provided
21 in subsection (b)(4) or (c), the Secretary may waive
22 any statutory or regulatory requirement of this Act
23 for which a waiver request is submitted to the Sec-
24 retary pursuant to this subsection.”;

25 (2) in subsection (b)—

1 (A) in paragraph (1)—

2 (i) in the matter preceding subpara-
3 graph (A)—

4 (I) by striking “, local edu-
5 cational agency,” and inserting “, act-
6 ing on its own behalf or on behalf of
7 a local educational agency in accord-
8 ance with subsection (a)(2),”; and

9 (II) by inserting “, which shall
10 include a plan” after “to the Sec-
11 retary”; and

12 (ii) by striking subparagraphs (C) and
13 (D) and inserting the following:

14 “(C) describes the methods the State edu-
15 cational agency, local educational agency, or In-
16 dian tribe will use to monitor and regularly
17 evaluate the effectiveness of the implementation
18 of the plan;

19 “(D) includes only information directly re-
20 lated to the waiver request on how the State
21 educational agency, local educational agency, or
22 Indian tribe will maintain and improve trans-
23 parency in reporting to parents and the public
24 on student achievement and school perform-
25 ance, including the achievement of students ac-

1 cording to each category of students described
2 in section 1111(b)(2)(B)(xi); and”;

3 (B) in paragraph (2)(B)(i)(II), by striking
4 “(on behalf of, and based on the requests of,
5 local educational agencies)” and inserting “(on
6 behalf of those agencies or on behalf of, and
7 based on the requests of, local educational
8 agencies in the State)”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A)—

11 (I) in the matter preceding clause
12 (i), by inserting “or on behalf of local
13 educational agencies in the State
14 under subsection (a)(2),” after “act-
15 ing on its own behalf,”; and

16 (II) in clause (i)—

17 (aa) by striking “all inter-
18 ested local educational agencies”
19 and inserting “any interested
20 local educational agency”; and

21 (bb) by inserting “, to the
22 extent that the request impacts
23 the local educational agency” be-
24 fore the semicolon at the end;
25 and

1 (ii) in subparagraph (B)(i), by strik-
2 ing “reviewed by the State educational
3 agency” and inserting “reviewed and ap-
4 proved by the State educational agency in
5 accordance with subsection (a)(2) before
6 being submitted to the Secretary”; and
7 (D) by adding at the end the following:

8 “(4) WAIVER DETERMINATION, DEMONSTRA-
9 TION, AND REVISION.—

10 “(A) IN GENERAL.—The Secretary shall
11 issue a written determination regarding the ap-
12 proval or disapproval of a waiver request not
13 more than 90 days after the date on which such
14 request is submitted, unless the Secretary de-
15 termines and demonstrates that—

16 “(i) the waiver request does not meet
17 the requirements of this section; or

18 “(ii) the waiver is not permitted under
19 subsection (c).

20 “(B) WAIVER DETERMINATION AND REVI-
21 SION.—If the Secretary determines and dem-
22 onstrates that the waiver request does not meet
23 the requirements of this section, the Secretary
24 shall—

25 “(i) immediately—

1 “(I) notify the State educational
2 agency, local educational agency and
3 State educational agency, or Indian
4 tribe, as applicable, of such deter-
5 mination; and

6 “(II) provide detailed reasons for
7 such determination in writing and in
8 a public manner, such as posting to
9 the Department’s website in a clear
10 and easily accessible manner;

11 “(ii) offer the State educational agen-
12 cy, local educational agency (through the
13 State educational agency), or Indian tribe
14 an opportunity to revise and resubmit the
15 waiver request by a date that is not more
16 than 60 days after the date of such deter-
17 mination; and

18 “(iii) if the Secretary determines that
19 the resubmission does not meet the re-
20 quirements of this section, at the request
21 of the State educational agency, local edu-
22 cational agency, or Indian tribe, conduct a
23 public hearing not more than 30 days after
24 the date of such resubmission.

1 “(C) WAIVER DISAPPROVAL.—The Sec-
2 retary may disapprove a waiver request if—

3 “(i) the State educational agency,
4 local educational agency, or Indian tribe
5 has been notified and offered an oppor-
6 tunity to revise and resubmit the waiver
7 request, as described under clauses (i) and
8 (ii) of subparagraph (B); and

9 “(ii) the State educational agency,
10 local educational agency (through the State
11 educational agency), or Indian tribe—

12 “(I) does not revise and resubmit
13 the waiver request; or

14 “(II) revises and resubmits the
15 waiver request, and the Secretary de-
16 termines that such waiver request
17 does not meet the requirements of this
18 section after a hearing conducted
19 under subparagraph (B)(iii).

20 “(D) EXTERNAL CONDITIONS.—The Sec-
21 retary shall not disapprove a waiver request
22 under this section based on conditions outside
23 the scope of the waiver request.”;

24 (3) in subsection (c)—

1 (A) in paragraph (8), by striking “subpart
2 1 of part B of title V” and inserting “part A
3 of title V”; and

4 (B) in paragraph (10), by striking “sub-
5 sections (a) and (b) of section 1113” and insert
6 “section 1113(a)” both places the term ap-
7 pears;

8 (4) in subsection (d)—

9 (A) in the subsection heading, by adding “;
10 LIMITATIONS” after “WAIVER”; and

11 (B) by adding at the end the following:

12 “(3) SPECIFIC LIMITATIONS.—The Secretary
13 shall not place any requirements on a State edu-
14 cational agency, local educational agency, or Indian
15 tribe as a condition, criterion, or priority for the ap-
16 proval of a waiver request, unless such requirements
17 are—

18 “(A) otherwise requirements under this
19 Act; and

20 “(B) directly related to the waiver re-
21 quest.”;

22 (5) by striking subsection (e) and inserting the
23 following:

24 “(e) REPORTS.—A State educational agency, local
25 educational agency, or Indian tribe receiving a waiver

1 under this section shall describe, as part of, and pursuant
2 to, the required annual reporting under section 1111(d)—

3 “(1) the progress of schools covered under the
4 provisions of such waiver toward improving the qual-
5 ity of instruction to students and increasing student
6 academic achievement; and

7 “(2) how the use of the waiver has contributed
8 to such progress.”; and

9 (6) in subsection (f), by striking “if the Sec-
10 retary determines” and all that follows through the
11 period at the end and inserting the following: “if,
12 after notice and an opportunity for a hearing, the
13 Secretary—

14 “(A) presents substantial evidence that
15 clearly demonstrates that the waiver is not con-
16 tributing to the progress of schools described in
17 subsection (e)(1); or

18 “(B) determines that the waiver is no
19 longer necessary to achieve its original pur-
20 poses.”.

21 **SEC. 9106. PLAN APPROVAL PROCESS.**

22 Title IX (20 U.S.C. 7801 et seq.) is amended—

23 (1) by redesignating parts E and F as parts F
24 and G, respectively;

25 (2) in section 9573—

1 (A) in subsection (b)(1), by striking “early
2 childhood development (Head Start) services”
3 and inserting “early childhood education pro-
4 grams”;

5 (B) in subsection (c)(2)—

6 (i) in the paragraph heading by strik-
7 ing “DEVELOPMENT SERVICES” and insert-
8 ing “EDUCATION PROGRAMS”; and

9 (ii) by striking “development (Head
10 Start) services” and inserting “education
11 programs”; and

12 (C) in subsection (e), as redesignated by
13 section 4001(5), in paragraph (3), by striking
14 subparagraph (C) and inserting the following:

15 “(C) such other matters as justice may re-
16 quire.”; and

17 (3) by inserting after section 9401 the fol-
18 lowing:

19 **“PART E—APPROVAL AND DISAPPROVAL OF**
20 **STATE PLANS AND LOCAL APPLICATIONS**

21 **“SEC. 9451. APPROVAL AND DISAPPROVAL OF STATE**
22 **PLANS.**

23 “(a) DEEMED APPROVAL.—A plan submitted by a
24 State pursuant to section 2101(d), 4103(d), or 9302 shall
25 be deemed to be approved by the Secretary unless—

1 “(1) the Secretary makes a written determina-
2 tion, prior to the expiration of the 90-day period be-
3 ginning on the date on which the Secretary received
4 the plan, that the plan is not in compliance with sec-
5 tion 2101(d) or 4103(d) or part C, respectively; and

6 “(2) the Secretary presents substantial evidence
7 that clearly demonstrates that such State plan does
8 not meet the requirements of section 2101(d) or
9 4103(d) or part C, respectively.

10 “(b) DISAPPROVAL PROCESS.—

11 “(1) IN GENERAL.—The Secretary shall not fi-
12 nally disapprove a plan submitted under section
13 2101(d), 4103(d), or 9302, except after giving the
14 State educational agency notice and an opportunity
15 for a hearing.

16 “(2) NOTIFICATIONS.—If the Secretary finds
17 that the plan is not in compliance, in whole or in
18 part, with section 2101(d) or 4103(d) or part C, as
19 applicable, the Secretary shall—

20 “(A) immediately notify the State of such
21 determination;

22 “(B) provide a detailed description of the
23 specific provisions of the plan that the Sec-
24 retary determines fail to meet the requirements,

1 in whole or in part, of such section or part, as
2 applicable;

3 “(C) offer the State an opportunity to re-
4 vise and resubmit its plan within 45 days of
5 such determination, including the chance for
6 the State to present substantial evidence to
7 clearly demonstrate that the State plan meets
8 the requirements of such section or part, as ap-
9 plicable;

10 “(D) provide technical assistance, upon re-
11 quest of the State, in order to assist the State
12 to meet the requirements of such section or
13 part, as applicable;

14 “(E) conduct a public hearing within 30
15 days of the plan’s resubmission under subpara-
16 graph (C), with public notice provided not less
17 than 15 days before such hearing, unless a
18 State declines the opportunity for such public
19 hearing; and

20 “(F) request additional information, only
21 as to the noncompliant provisions, needed to
22 make the plan compliant.

23 “(3) RESPONSE.—If the State educational
24 agency responds to the Secretary’s notification de-
25 scribed in paragraph (2)(A) during the 45-day pe-

1 riod beginning on the date on which the State edu-
2 cational agency received the notification, and resub-
3 mits the plan with the requested information de-
4 scribed in paragraph (2)(B), the Secretary shall ap-
5 prove or disapprove such plan prior to the later of—

6 “(A) the expiration of the 45-day period
7 beginning on the date on which the plan is re-
8 submitted; or

9 “(B) the expiration of the 90-day period
10 described in subsection (a).

11 “(4) FAILURE TO RESPOND.—If the State edu-
12 cational agency does not respond to the Secretary’s
13 notification described in paragraph (2)(A) during
14 the 45-day period beginning on the date on which
15 the State educational agency received the notifica-
16 tion, such plan shall be deemed to be disapproved.

17 “(c) PEER-REVIEW REQUIREMENTS.—Notwith-
18 standing any other requirements of this part, the Sec-
19 retary shall ensure that any portion of a consolidated
20 State plan that is related to part A of title I is subject
21 to the peer-review process described in section 1111(a)(3).

22 **“SEC. 9452. APPROVAL AND DISAPPROVAL OF LOCAL EDU-
23 CATIONAL AGENCY APPLICATIONS.**

24 “(a) DEEMED APPROVAL.—An application submitted
25 by a local educational agency pursuant to section 2102(b),

1 4104(b), or 9305 shall be deemed to be approved by the
2 State educational agency unless—

3 “(1) the State educational agency makes a writ-
4 ten determination, prior to the expiration of the 90-
5 day period beginning on the date on which the State
6 educational agency received the application, that the
7 application is not in compliance with section 2102(b)
8 or 4104(b), or part C, respectively; and

9 “(2) the State presents substantial evidence
10 that clearly demonstrates that such application does
11 not meet the requirements of section 2102(b) or
12 4104(b), or part C, respectively.

13 “(b) DISAPPROVAL PROCESS.—

14 “(1) IN GENERAL.—The State educational
15 agency shall not finally disapprove an application
16 submitted under section 2102(b), 4104(b), or 9305
17 except after giving the local educational agency no-
18 tice and opportunity for a hearing.

19 “(2) NOTIFICATIONS.—If the State educational
20 agency finds that the application submitted under
21 section 2102(b), 4104(b), or 9305 is not in compli-
22 ance, in whole or in part, with section 2102(b) or
23 4104(b), or part C, respectively, the State edu-
24 cational agency shall—

1 “(A) immediately notify the local edu-
2 cational agency of such determination;

3 “(B) provide a detailed description of the
4 specific provisions of the application that the
5 State determines fail to meet the requirements,
6 in whole or in part, of such section or part, as
7 applicable;

8 “(C) offer the local educational agency an
9 opportunity to revise and resubmit its applica-
10 tion within 45 days of such determination, in-
11 cluding the chance for the local educational
12 agency to present substantial evidence to clearly
13 demonstrate that the application meets the re-
14 quirements of such section or part;

15 “(D) provide technical assistance, upon re-
16 quest of the local educational agency, in order
17 to assist the local educational agency to meet
18 the requirements of such section or part, as ap-
19 plicable;

20 “(E) conduct a public hearing within 30
21 days of the application’s resubmission under
22 subparagraph (C), with public notice provided
23 not less than 15 days before such hearing, un-
24 less a local educational agency declines the op-
25 portunity for such public hearing; and

1 “(F) request additional information, only
2 as to the noncompliant provisions, needed to
3 make the application compliant.

4 “(3) RESPONSE.—If the local educational agen-
5 cy responds to the State educational agency’s notifi-
6 cation described in paragraph (2)(B) during the 45-
7 day period beginning on the date on which the local
8 educational agency received the notification, and re-
9 submits the application with the requested informa-
10 tion described in paragraph (2)(C), the State edu-
11 cational agency shall approve or disapprove such ap-
12 plication prior to the later of—

13 “(A) the expiration of the 45-day period
14 beginning on the date on which the application
15 is resubmitted; or

16 “(B) the expiration of the 90-day period
17 described in subsection (a).

18 “(4) FAILURE TO RESPOND.—If the local edu-
19 cational agency does not respond to the State edu-
20 cational agency’s notification described in paragraph
21 (2)(B) during the 45-day period beginning on the
22 date on which the local educational agency received
23 the notification, such application shall be deemed to
24 be disapproved.”.

1 **SEC. 9107. PARTICIPATION BY PRIVATE SCHOOL CHILDREN**
2 **AND TEACHERS.**

3 Section 9501 (20 U.S.C. 7881) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), by striking subpara-
6 graphs (A) through (H) and inserting the fol-
7 lowing:

8 “(A) part C of title I;

9 “(B) part A of title II;

10 “(C) part A of title III; and

11 “(D) title IV.”; and

12 (B) by striking paragraph (3); and

13 (2) in subsection (c)(1)—

14 (A) in subparagraph (E)—

15 (i) by striking “and the amount” and
16 inserting “, the amount”; and

17 (ii) by striking “services; and” and in-
18 serting “services, and how that amount is
19 determined;”;

20 (B) in subparagraph (F), by striking the
21 period at the end and inserting “; and”; and

22 (C) by adding at the end the following:

23 “(G) whether the agency, consortium, or
24 entity shall provide services directly or assign
25 responsibility for the provision of services to a

1 separate government agency, consortium, or en-
2 tity, or to a third-party contractor.”.

3 **SEC. 9108. MAINTENANCE OF EFFORT.**

4 Section 9521 (20 U.S.C. 7901) is amended—

5 (1) in subsection (a), by inserting “, subject to
6 the requirements of subsection (b)” after “for the
7 second preceding fiscal year”;

8 (2) in subsection (b)(1), by inserting before the
9 period at the end the following: “, if such local edu-
10 cational agency has also failed to meet such require-
11 ment (as determined using the measure most favor-
12 able to the local agency) for 1 or more of the 5 im-
13 mediately preceding fiscal years”; and

14 (3) in subsection (c)(1), by inserting “or a
15 change in the organizational structure of the local
16 educational agency” after “, such as a natural dis-
17 aster”.

18 **SEC. 9109. SCHOOL PRAYER.**

19 Section 9524(a) (20 U.S.C. 7904(a)) is amended by
20 striking “on the Internet” and inserting “by electronic
21 means, including by posting the guidance on the Depart-
22 ment’s website in a clear and easily accessible manner”.

1 **SEC. 9110. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
2 **USE OF FEDERAL FUNDS.**

3 Section 9527 (20 U.S.C. 7907) is amended to read
4 as follows:

5 **“SEC. 9527. PROHIBITIONS ON FEDERAL GOVERNMENT AND**
6 **USE OF FEDERAL FUNDS.**

7 “(a) GENERAL PROHIBITION.—

8 “(1) IN GENERAL.—Nothing in this Act shall
9 be construed to authorize an officer or employee of
10 the Federal Government, through grants, contracts,
11 or other cooperative agreements (including as a con-
12 dition of any waiver provided under section 9401)
13 to—

14 “(A) mandate, direct, or control a State,
15 local educational agency, or school’s curriculum,
16 program of instruction, instructional content,
17 specific academic standards or assessments, or
18 allocation of State or local resources, or man-
19 date a State or any subdivision thereof to spend
20 any funds or incur any costs not paid for under
21 this Act;

22 “(B) incentivize a State, local educational
23 agency, or school to adopt any specific instruc-
24 tional content, academic standards, academic
25 assessments, curriculum, or program of instruc-
26 tion, including by providing any priority, pref-

1 erence, or special consideration during the ap-
2 plication process for any grant, contract, or co-
3 operative agreement that is based on the adop-
4 tion of any specific instructional content, aca-
5 demic standards, academic assessments, cur-
6 riculum, or program of instruction; or

7 “(C) make financial support available in a
8 manner that is conditioned upon a State, local
9 educational agency, or school’s adoption of any
10 specific instructional content, academic stand-
11 ards, academic assessments, curriculum, or pro-
12 gram of instruction (such as the Common Core
13 State Standards developed under the Common
14 Core State Standards Initiative, any other
15 standards common to a significant number of
16 States, or any specific assessment, instructional
17 content, or curriculum aligned to such stand-
18 ards).

19 “(b) PROHIBITION ON ENDORSEMENT OF CUR-
20 RICULUM.—Notwithstanding any other prohibition of Fed-
21 eral law, no funds provided to the Department under this
22 Act may be used by the Department directly or indirectly,
23 including through any grant, contract, cooperative agree-
24 ment, or waiver provided by the Secretary under section
25 9401, to endorse, approve, or sanction any curriculum (in-

1 cluding the alignment of such curriculum to any specific
2 academic standard) designed to be used in an early child-
3 hood education program, elementary school, secondary
4 school, or institution of higher education.

5 “(c) PROHIBITION ON REQUIRING FEDERAL AP-
6 PROVAL OR CERTIFICATION OF STANDARDS.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of Federal law, no State shall be required
9 to have academic content or academic achievement
10 standards approved or certified by the Federal Gov-
11 ernment, in order to receive assistance under this
12 Act.

13 “(2) RULES OF CONSTRUCTION.—

14 “(A) APPLICABILITY.—Nothing in this
15 subsection shall be construed to affect require-
16 ments under title I.

17 “(B) STATE OR LOCAL AUTHORITY.—
18 Nothing in this section shall be construed to
19 prohibit a State, local educational agency, or
20 school from using funds provided under this Act
21 for the development or implementation of any
22 instructional content, academic standards, aca-
23 demic assessments, curriculum, or program of
24 instruction that a State, local educational agen-
25 cy, or school chooses, as permitted under State

1 and local law, as long as the use of such funds
2 is consistent with the terms of the grant, con-
3 tract, or cooperative agreement providing such
4 funds.

5 “(3) BUILDING STANDARDS.—Nothing in this
6 Act shall be construed to mandate national school
7 building standards for a State, local educational
8 agency, or school.”.

9 **SEC. 9111. ARMED FORCES RECRUITER ACCESS TO STU-**
10 **DENTS AND STUDENT RECRUITING INFORMA-**
11 **TION.**

12 Section 9528 (20 U.S.C. 7908) is amended by strik-
13 ing subsection (d).

14 **SEC. 9112. PROHIBITION ON FEDERALLY SPONSORED TEST-**
15 **ING.**

16 Section 9529 (20 U.S.C. 7909) is amended to read
17 as follows:

18 **“SEC. 9529. PROHIBITION ON FEDERALLY SPONSORED**
19 **TESTING.**

20 “(a) GENERAL PROHIBITION.—Notwithstanding any
21 other provision of Federal law and except as provided in
22 subsection (b), no funds provided under this Act to the
23 Secretary or to the recipient of any award may be used
24 to develop, incentivize, pilot test, field test, implement, ad-
25 minister, or distribute any federally sponsored national

1 test in reading, mathematics, or any other subject, unless
2 specifically and explicitly authorized by law, including any
3 assessment or testing materials aligned to the Common
4 Core State Standards developed under the Common Core
5 State Standards Initiative or any other academic stand-
6 ards common to a significant number of States.

7 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
8 international comparative assessments developed under
9 the authority of section 153(a)(5) of the Education
10 Sciences Reform Act of 2002 and administered to only a
11 representative sample of pupils in the United States and
12 in foreign nations.

13 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to prohibit a State, local edu-
15 cational agency, or school from using funds provided
16 under this Act for the development or implementation of
17 any instructional content, academic standards, academic
18 assessments, curriculum, or program of instruction that
19 a State or local educational agency or school chooses, as
20 permitted under State and local law, as long as the use
21 of such funds is consistent with the terms of the grant,
22 contract, or cooperative agreement providing such funds.”.

23 **SEC. 9113. LIMITATIONS ON NATIONAL TESTING OR CER-**
24 **TIFICATION FOR TEACHERS.**

25 Section 9530(a) (20 U.S.C. 7910(a)) is amended—

- 1 (1) by inserting “, principals,” after “teachers”;
2 and
3 (2) by inserting “, or incentive regarding,”
4 after “administration of”.

5 **SEC. 9114. CONSULTATION WITH INDIAN TRIBES AND TRIB-**
6 **AL ORGANIZATIONS.**

7 Subpart 2 of part F of title IX (20 U.S.C. 7901 et
8 seq.), as amended by section 4001(3), and redesignated
9 by section 9106(1), is further amended by adding at the
10 end the following:

11 **“SEC. 9538. CONSULTATION WITH INDIAN TRIBES AND**
12 **TRIBAL ORGANIZATIONS.**

13 “(a) IN GENERAL.—To ensure timely and meaning-
14 ful consultation on issues affecting American Indian and
15 Alaska Native students, an affected local educational
16 agency shall consult with appropriate officials from Indian
17 tribes or tribal organizations approved by the tribes lo-
18 cated in the area served by the local educational agency
19 during the design and development of the affected local
20 educational agency’s programs under this Act, with the
21 overarching goal of meeting the unique cultural, language,
22 and educational needs of American Indian and Alaska Na-
23 tive students.

24 “(b) TIMING.—The consultation described in sub-
25 section (a) shall include meetings of officials from the af-

1 fected local educational agency and the tribes or tribal or-
2 ganizations approved by the tribes and shall occur before
3 the affected local educational agency makes any decision
4 regarding how the needs of American Indian and Alaska
5 Native children will be met in covered programs or in serv-
6 ices or activities provided under title VII.

7 “(c) DOCUMENTATION.—Each affected local edu-
8 cational agency shall maintain in the agency’s records and
9 provide to the State educational agency a written affirma-
10 tion signed by officials of the participating tribes or tribal
11 organizations approved by the tribes that the consultation
12 required by this section has occurred. If such officials do
13 not provide such affirmation within a reasonable period
14 of time, the affected local educational agency shall forward
15 documentation that such consultation has taken place to
16 the State educational agency.

17 “(d) AFFECTED LOCAL EDUCATIONAL AGENCY.—In
18 this section, the term ‘affected local educational agency
19 ’ means a local educational agency—

20 “(1) with an enrollment of American Indian or
21 Alaska Native students that is not less than 50 per-
22 cent of the total enrollment of the local educational
23 agency; or

24 “(2) with an enrollment of not less than 50
25 American Indian or Alaska Native students.”.

1 **SEC. 9115. OUTREACH AND TECHNICAL ASSISTANCE FOR**
2 **RURAL LOCAL EDUCATIONAL AGENCIES.**

3 Subpart 2 of part F of title IX (20 U.S.C. 7901 et
4 seq.), as amended by sections 4001(3) and 9114, and re-
5 designated by section 9106(1), is further amended by add-
6 ing at the end the following:

7 **“SEC. 9539. OUTREACH AND TECHNICAL ASSISTANCE FOR**
8 **RURAL LOCAL EDUCATIONAL AGENCIES.**

9 “(a) **OUTREACH.**—The Secretary shall engage in out-
10 reach to rural local educational agencies regarding oppor-
11 tunities to apply for competitive grant programs under
12 this Act.

13 “(b) **TECHNICAL ASSISTANCE.**—If requested to do
14 so, the Secretary shall provide technical assistance to rural
15 local educational agencies with locale codes 32, 33, 41, 42,
16 or 43, or an educational service agency representing rural
17 local educational agencies with locale codes 32, 33, 41, 42,
18 or 43 on applications or pre-applications for any competi-
19 tive grant program under this Act. No rural local edu-
20 cational agency or educational service agency shall be re-
21 quired to request technical assistance or include any tech-
22 nical assistance provided by the Secretary in any applica-
23 tion.”.

24 **SEC. 9116. EVALUATIONS.**

25 Section 9601 (20 U.S.C. 7941) is amended to read
26 as follows:

1 **“SEC. 9601. EVALUATIONS.**

2 “(a) RESERVATION OF FUNDS.—Except as provided
3 in subsection (b) and (e), the Secretary, in consultation
4 with the Director of the Institute of Education Sciences,
5 may reserve not more than 0.5 percent of the amount ap-
6 propriated for each program authorized under this Act to
7 carry out activities under this section. If the Secretary
8 elects to make a reservation under this subsection, the re-
9 served amounts—

10 “(1) shall first be used by the Secretary, acting
11 through the Director of the Institute of Education
12 Sciences, to—

13 “(A) conduct comprehensive, high-quality
14 evaluations of the programs that—

15 “(i) are consistent with the evaluation
16 plan under subsection (d); and

17 “(ii) primarily include impact evalua-
18 tions that use experimental or quasi-experi-
19 mental designs, where practicable and ap-
20 propriate, and other rigorous methodolo-
21 gies that permit the strongest possible
22 causal inferences;

23 “(B) conduct studies of the effectiveness of
24 the programs and the administrative impact of
25 the programs on schools and local educational
26 agencies; and

1 “(C) widely disseminate evaluation findings
2 under this section related to programs author-
3 ized under this Act—

4 “(i) in a timely fashion;

5 “(ii) in forms that are understand-
6 able, easily accessible, and usable, or
7 adaptable for use in, the improvement of
8 educational practice;

9 “(iii) through electronic transfer and
10 other means, such as posting, as available,
11 to the websites of State educational agen-
12 cies, local educational agencies, the Insti-
13 tute of Education Sciences, or the Depart-
14 ment, or in another relevant place; and

15 “(iv) in a manner that promotes the
16 utilization of such findings; and

17 “(2) may be used by the Secretary, acting
18 through the Director of the Institute of Education
19 Sciences—

20 “(A) to evaluate the aggregate short- and
21 long-term effects and cost efficiencies across—

22 “(i) Federal programs assisted or au-
23 thorized under this Act; and

24 “(ii) related Federal early childhood
25 education programs, preschool programs,

1 elementary school programs, and secondary
2 school programs, under any other Federal
3 law;

4 “(B) to increase the usefulness of the eval-
5 uations conducted under this section by improv-
6 ing the quality, timeliness, efficiency, and use of
7 information relating to performance to promote
8 continuous improvement of programs assisted
9 or authorized under this Act; and

10 “(C) to assist recipients of grants under
11 such programs in collecting and analyzing data
12 and other activities related to conducting high-
13 quality evaluations under paragraph (1).

14 “(b) TITLE I.—The Secretary, acting through the Di-
15 rector of the Institute of Education Sciences, shall use
16 funds authorized under section 1002(e) to carry out eval-
17 uation activities under this section related to title I, and
18 shall not reserve any other money from such title for eval-
19 uation.

20 “(c) CONSOLIDATION.—Notwithstanding any other
21 provision of this section or section 1002(e), the Secretary,
22 in consultation with the Director of the Institute of Edu-
23 cation Sciences—

1 “(1) may consolidate the funds reserved under
2 subsections (a) and (b) for purposes of carrying out
3 the activities under subsection (a)(1); and

4 “(2) shall not be required to evaluate under
5 subsection (a)(1) each program authorized under
6 this Act each year.

7 “(d) EVALUATION PLAN.—The Director of the Insti-
8 tute of Education Sciences, shall, on a biennial basis, de-
9 velop, submit to Congress, and make publicly available an
10 evaluation plan, that—

11 “(1) describes the specific activities that will be
12 carried out under subsection (a) for the 2-year pe-
13 riod applicable to the plan, and the timelines of such
14 activities;

15 “(2) contains the results of the activities car-
16 ried out under subsection (a) for the most recent 2-
17 year period; and

18 “(3) describes how programs authorized under
19 this Act will be regularly evaluated.

20 “(e) EVALUATION ACTIVITIES AUTHORIZED ELSE-
21 WHERE.—If, under any other provision of this Act, funds
22 are authorized to be reserved or used for evaluation activi-
23 ties with respect to a program, the Secretary may not re-
24 serve additional funds under this section for the evaluation
25 of that program.”.

1 **TITLE X—EDUCATION FOR**
2 **HOMELESS CHILDREN AND**
3 **YOUTHS; OTHER LAWS; MIS-**
4 **CELLANEOUS**

5 **PART A—EDUCATION FOR HOMELESS CHILDREN**
6 **AND YOUTH**

7 **SEC. 10101. STATEMENT OF POLICY.**

8 Section 721 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11431) is amended—

10 (1) in paragraph (2), by striking “In any
11 State” and all that follows through “will review”
12 and inserting “In any State where compulsory resi-
13 dency requirements or other requirements, in laws,
14 regulations, practices, or policies, may act as a bar-
15 rier to the identification of or enrollment, attend-
16 ance, or success in school of homeless children and
17 youths, the State educational agency and local edu-
18 cational agencies in the State will review”;

19 (2) in paragraph (3), by striking “alone”; and

20 (3) in paragraph (4), by striking “challenging
21 State student academic achievement standards” and
22 inserting “challenging State academic standards”.

23 **SEC. 10102. GRANTS FOR STATE AND LOCAL ACTIVITIES.**

24 Section 722 of the McKinney-Vento Homeless Assist-
25 ance Act (42 U.S.C. 11432) is amended—

1 (1) by striking subsection (b) and inserting the
2 following:

3 “(b) RESERVATIONS.—

4 “(1) STUDENTS IN TERRITORIES.—The Sec-
5 retary is authorized to reserve 0.1 percent of the
6 amount appropriated for each fiscal year under sec-
7 tion 726, to be allocated by the Secretary among the
8 United States Virgin Islands, Guam, American
9 Samoa, and the Commonwealth of the Northern
10 Mariana Islands, according to their respective needs
11 for assistance under this subtitle, as determined by
12 the Secretary.

13 “(2) INDIAN STUDENTS.—

14 “(A) TRANSFER.—The Secretary shall
15 transfer 1 percent of the amount appropriated
16 for each fiscal year under section 726 to the
17 Department of the Interior. The transferred
18 funds shall be used for programs for Indian
19 students served by schools funded by the Sec-
20 retary of the Interior, as determined under the
21 Indian Self-Determination and Education As-
22 sistance Act (25 U.S.C. 450 et seq.), that are
23 consistent with the purposes of the programs
24 described in this subtitle.

1 “(B) AGREEMENT.—The Secretary of
2 Education and the Secretary of the Interior
3 shall enter into an agreement, consistent with
4 the requirements of this subtitle, for the dis-
5 tribution and use of the transferred funds
6 under terms that the Secretary of Education
7 determines best meet the purposes of the pro-
8 grams described in this subtitle. Such agree-
9 ment shall set forth the plans of the Secretary
10 of the Interior for the use of the amounts
11 transferred, including appropriate goals, objec-
12 tives, and milestones.”;

13 (2) in subsection (c)—

14 (A) by redesignating paragraph (3) as
15 paragraph (4); and

16 (B) by striking the subsection heading and
17 all that follows through paragraph (2) and in-
18 serting the following:

19 “(c) ALLOTMENTS.—

20 “(1) IN GENERAL.—The Secretary is authorized
21 to allot to each State for a fiscal year an amount
22 that bears the same ratio to the amount appro-
23 priated for such year under section 726 that remains
24 after the Secretary reserves funds under subsection
25 (b) and uses funds to carry out subsections (d) and

1 (h) of section 724, as the amount allocated under
2 section 1122 of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 6332) to the State
4 for that year bears to the total amount allocated
5 under section 1122 of such Act to all States for that
6 year, except as provided in paragraph (2).

7 “(2) MINIMUM ALLOTMENTS.—Subject to para-
8 graph (3), no State shall receive less under this sub-
9 section for a fiscal year than the greater of—

10 “(A) \$150,000;

11 “(B) one-fourth of 1 percent of the amount
12 appropriated under section 726 for that year;

13 or

14 “(C) the amount such State received under
15 this section for fiscal year 2001.

16 “(3) REDUCTION FOR INSUFFICIENT FUNDS.—
17 If there are insufficient funds in a fiscal year to allot
18 to each State the minimum amount under paragraph
19 (2), the Secretary shall ratably reduce the allotments
20 to all States based on the proportionate share that
21 each State received under this subsection for the
22 preceding fiscal year.”;

23 (3) in subsection (d)—

24 (A) in paragraph (2)—

1 (i) by striking “To provide” and all
2 that follows through “that enable” and in-
3 serting “To provide services and activities
4 to improve the identification of homeless
5 children and youths (including preschool-
6 aged homeless children) and enable”; and

7 (ii) by striking “or, if” and inserting
8 “including, if”; and

9 (B) in paragraph (3), by striking “des-
10 ignate” and all that follows and inserting “des-
11 ignate in the State educational agency an Office
12 of the Coordinator for Education of Homeless
13 Children and Youths that can sufficiently carry
14 out the duties described for the Office in this
15 subtitle.”;

16 (4) in subsection (e)—

17 (A) in paragraph (1), by striking “sub-
18 section (c)(1)” and inserting “subsection
19 (c)(2)”; and

20 (B) in paragraph (3)—

21 (i) in subparagraph (E)(ii)(II), by
22 striking “subsection (g)(6)(A)(v)” and in-
23 serting “subsection (g)(6)(A)(vi)”; and

24 (ii) in subparagraph (F)(iii), by strik-
25 ing “Not later” and all that follows

1 through “the Secretary” and inserting
2 “The Secretary”;

3 (5) by striking subsection (f) and inserting the
4 following:

5 “(f) FUNCTIONS OF THE OFFICE OF THE COORDI-
6 NATOR.—The Coordinator for Education of Homeless
7 Children and Youths established in each State shall—

8 “(1) gather and make publicly available reliable,
9 valid, and comprehensive information on—

10 “(A) the number of homeless children and
11 youths identified in the State, which shall be
12 posted annually on the State educational agen-
13 cy’s website;

14 “(B) the nature and extent of the problems
15 homeless children and youths have in gaining
16 access to public preschool programs and to pub-
17 lic elementary schools and secondary schools;

18 “(C) the difficulties in identifying the spe-
19 cial needs and barriers to the participation and
20 achievement of such children and youths;

21 “(D) any progress made by the State edu-
22 cational agency and local educational agencies
23 in the State in addressing such problems and
24 difficulties; and

1 “(E) the success of the programs under
2 this subtitle in identifying homeless children
3 and youths and allowing such children and
4 youths to enroll in, attend, and succeed in,
5 school;

6 “(2) develop and carry out the State plan de-
7 scribed in subsection (g);

8 “(3) collect data for and transmit to the Sec-
9 retary, at such time and in such manner as the Sec-
10 retary may reasonably require, a report containing
11 information necessary to assess the educational
12 needs of homeless children and youths within the
13 State, including data necessary for the Secretary to
14 fulfill the responsibilities under section 724(h);

15 “(4) in order to improve the provision of com-
16 prehensive education and related services to home-
17 less children and youths and their families, coordi-
18 nate activities and collaborate with—

19 “(A) educators, including teachers, special
20 education personnel, administrators, and child
21 development and preschool program personnel;

22 “(B) providers of services to homeless chil-
23 dren and youths and their families, including
24 services of public and private child welfare and
25 social services agencies, law enforcement agen-

1 cies, juvenile and family courts, agencies pro-
2 viding mental health services, domestic violence
3 agencies, child care providers, runaway and
4 homeless youth centers, and providers of serv-
5 ices and programs funded under the Runaway
6 and Homeless Youth Act (42 U.S.C. 5701 et
7 seq.);

8 “(C) providers of emergency, transitional,
9 and permanent housing to homeless children
10 and youths, and their families, including public
11 housing agencies, shelter operators, operators of
12 transitional housing facilities, and providers of
13 transitional living programs for homeless
14 youths;

15 “(D) local educational agency liaisons des-
16 ignated under subsection (g)(1)(J)(ii) for home-
17 less children and youths; and

18 “(E) community organizations and groups
19 representing homeless children and youths and
20 their families;

21 “(5) provide technical assistance to and conduct
22 monitoring of local educational agencies in coordina-
23 tion with local educational agency liaisons designated
24 under subsection (g)(1)(J)(ii), to ensure that local
25 educational agencies comply with the requirements

1 of subsection (e)(3) and paragraphs (3) through (7)
2 of subsection (g);

3 “(6) provide professional development opportu-
4 nities for local educational agency personnel and the
5 local educational agency liaison designated under
6 subsection (g)(1)(J)(ii) to assist such personnel and
7 liaison in identifying and meeting the needs of home-
8 less children and youths; and

9 “(7) respond to inquiries from parents and
10 guardians of homeless children and youths, including
11 (in the case of unaccompanied youths) such youths,
12 to ensure that each child or youth who is the subject
13 of such an inquiry receives the full protections and
14 services provided by this subtitle.”;

15 (6) in subsection (g)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by striking
18 “achievement”;

19 (ii) in subparagraph (B), by striking
20 “special”;

21 (iii) in subparagraph (D)—

22 (I) by striking “(including” and
23 all that follows through “personnel)”
24 and inserting “(including liaisons des-
25 igned under subparagraph (J)(ii),

1 principals and school leaders, attend-
2 ance officers, teachers, enrollment
3 personnel, and specialized instruc-
4 tional support personnel)”; and

5 (II) by striking “of runaway and
6 homeless youths” and inserting “of
7 homeless children and youths, includ-
8 ing such children and youths who are
9 runaway and homeless youths”;

10 (iv) in subparagraph (E), by striking
11 “food” and inserting “nutrition”;

12 (v) in subparagraph (F)—

13 (I) in clause (i), by striking
14 “equal” and all that follows and in-
15 sserting “access to the same public
16 preschool programs, administered by
17 the State educational agency or local
18 educational agency, as are provided to
19 other children in the State, including
20 ensuring that access by having the ad-
21 ministering agency carry out the poli-
22 cies and practices required under
23 paragraph (3);”;

24 (II) in clause (ii), by striking
25 “services; and” and inserting “serv-

1 dents who are not homeless children and
2 youth.”;

3 (vi) in subparagraph (H)(i), by strik-
4 ing “medical” and inserting “other
5 health”;

6 (vii) in subparagraph (I)—

7 (I) by striking “enrollment” and
8 inserting “identification of homeless
9 children and youths, and the enroll-
10 ment,”; and

11 (II) by striking “State.” and in-
12 serting “State, including barriers re-
13 lated to fees, fines, absences, and
14 credit accrual policies.”; and

15 (viii) in subparagraph (J)—

16 (I) in clause (ii), by striking “to
17 carry out” and inserting “and assur-
18 ances that the liaison will have suffi-
19 cient training and time to carry out”;
20 and

21 (II) in clause (iii), in the matter
22 preceding subclause (I), by striking
23 “origin, as determined in paragraph
24 (3)(A),” and inserting “origin (within

1 the meaning of paragraph (3)(A)),
2 which may include a preschool,”; and
3 (III) in subclauses (I) and (II) of
4 clause (iii), by striking “homeless”
5 each place it appears;

6 (B) in paragraph (3)—

7 (i) in subparagraph (A)(i)(I), by strik-
8 ing “or” at the end and inserting “and”;

9 (ii) in subparagraph (B)—

10 (I) by striking “BEST INTEREST”
11 and inserting “SCHOOL STABILITY”;

12 (II) by redesignating clause (iii)
13 as clause (iv);

14 (III) by striking clauses (i) and
15 (ii) and inserting the following:

16 “(i) presume that keeping the child or
17 youth in the school of origin is in the
18 child’s or youth’s best interest, except
19 when doing so is contrary to the request of
20 the child’s or youth’s parent or guardian,
21 or (in the case of an unaccompanied
22 youth) the youth;

23 “(ii) consider factors related to the
24 child’s or youth’s best interest, including
25 factors related to the impact of mobility on

1 achievement, health, and safety of home-
2 less children and youth, giving priority to
3 the request of the child's or youth's parent
4 or guardian or (in the case of an unaccom-
5 panied youth) the youth;

6 “(iii) if after carrying out clauses (i)
7 and (ii) the local educational agency sends
8 the child or youth to a school other than
9 the school of origin or a school requested
10 as described in clause (ii), provide a writ-
11 ten explanation, including a statement re-
12 garding the right to appeal under subpara-
13 graph (E), to the child's or youth's parent
14 or guardian, or (in the case of an unac-
15 companied youth) the youth; and”;

16 (IV) in that clause (iv), by insert-
17 ing “and takes into account” after
18 “considers”;

19 (iii) by striking subparagraph (C) and
20 inserting the following:

21 “(C) IMMEDIATE ENROLLMENT.—

22 “(i) IN GENERAL.—The school se-
23 lected in accordance with this paragraph
24 shall immediately enroll the homeless child
25 or youth, even if the child or youth—

1 “(I) is unable to produce records
2 normally required for enrollment, such
3 as previous academic records, records
4 of immunization and other required
5 health records, proof of residency, or
6 other documentation; or

7 “(II) has missed application or
8 enrollment deadlines during any pe-
9 riod of homelessness.

10 “(ii) RELEVANT ACADEMIC
11 RECORDS.—The enrolling school shall im-
12 mediately contact the school last attended
13 by the child or youth to obtain relevant
14 academic and other records.

15 “(iii) RELEVANT HEALTH RECORDS.—
16 If the child or youth needs to obtain immu-
17 nizations or health records, the enrolling
18 school shall immediately refer the parent
19 or guardian of the child or youth or (in the
20 case of an unaccompanied youth) the
21 youth, to the local educational agency liai-
22 son designated under paragraph (1)(J)(ii),
23 who shall assist in obtaining necessary im-
24 munizations or screenings, or health

1 records, in accordance with subparagraph
2 (D).”;

3 (iv) in subparagraph (D)—

4 (I) in the matter preceding clause
5 (i), by striking “medical records” and
6 inserting “health records”; and

7 (II) in clause (i), by inserting
8 “involved” after “records”;

9 (v) in subparagraph (E)—

10 (I) in the matter preceding clause
11 (i), by striking “If” and all that fol-
12 lows through “school—” and inserting
13 “If a dispute arises over eligibility for
14 enrollment, school selection, or enroll-
15 ment in a public school, including a
16 public preschool—”;

17 (II) in clause (i), by inserting be-
18 fore the semicolon the following: “, in-
19 cluding all available appeals”; and

20 (III) by striking clause (ii) and
21 inserting the following:

22 “(ii) the parent or guardian of the
23 child or youth or (in the case of an unac-
24 companied youth) the youth shall be pro-
25 vided with a written explanation of any de-

1 cisions related to school selection or enroll-
2 ment made by the school, the local edu-
3 cational agency, or the State educational
4 agency involved, including the rights of the
5 parent, guardian, or unaccompanied youth
6 to appeal such decisions;”;

7 (vi) by striking subparagraph (G) and
8 inserting the following:

9 “(G) PRIVACY.—Information about a
10 homeless child’s or youth’s living situation shall
11 be treated as a student education record, and
12 not as directory information, under section 444
13 of the General Education Provisions Act (20
14 U.S.C. 1232g).”;

15 (vii) by adding at the end the fol-
16 lowing:

17 “(I) SCHOOL OF ORIGIN DEFINED.—In
18 this paragraph:

19 “(i) IN GENERAL.—The term ‘school
20 of origin’ means the school that a child or
21 youth attended when permanently housed
22 or the school in which the child or youth
23 was last enrolled.

24 “(ii) RECEIVING SCHOOL.—In the
25 case of a child or youth who completed the

1 final grade level served by the school of or-
2 gin, as described in clause (i), the term
3 ‘school of origin’ shall include the des-
4 ignated receiving school at the next grade
5 level.”;

6 (C) in paragraph (4)—

7 (i) in subparagraph (A), by inserting
8 before the period the following “, which
9 may include transportation to a pre-
10 school”;

11 (ii) in subparagraph (B), by striking
12 “and educational” and all that follows and
13 inserting “educational programs for
14 English learners, charter school programs,
15 and magnet school programs.”; and

16 (iii) in subparagraph (C), by striking
17 “vocational” and inserting “career”;

18 (D) in paragraph (5)—

19 (i) in subparagraph (A)—

20 (I) in clause (i), by striking “pro-
21 grams providing” and inserting “enti-
22 ties providing”; and

23 (II) in clause (ii), by striking
24 “such as transportation or” and in-

1 serting “including transportation
2 and”;

3 (ii) in subparagraph (C)—

4 (I) by redesignating clauses (i)
5 and (ii) as clauses (ii) and (iii), re-
6 spectively;

7 (II) by inserting before clause
8 (ii), as redesignated by subclause (I),
9 the following:

10 “(i) ensure that all homeless children
11 and youths are promptly identified;” and

12 (III) in clause (ii), as redesign-
13 ated by subclause (I), by striking
14 “have access and” and inserting
15 “have access to and are in”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(D) HOMELESS CHILDREN AND YOUTHS
19 WITH DISABILITIES.—For children and youths
20 who are to be assisted both under this subtitle,
21 and under the Individuals with Disabilities
22 Education Act (20 U.S.C. 1400 et seq.), each
23 local educational agency shall coordinate the
24 provision of services under this subtitle with the
25 provision of programs for children with disabil-

1 ities served by that local educational agency and
2 other involved local educational agencies.”;

3 (E) in paragraph (6)—

4 (i) in subparagraph (A)—

5 (I) by redesignating clauses (iv)
6 through (vii) as clauses (v) through
7 (viii), respectively;

8 (II) by striking clause (iii) and
9 inserting the following:

10 “(iii) homeless families and homeless
11 children and youths have access to and re-
12 ceive educational services for which such
13 families, children, and youths are eligible,
14 including services through Head Start pro-
15 grams (including Early Head Start pro-
16 grams) under the Head Start Act (42
17 U.S.C. 9831 et seq.), early intervention
18 services under part C of the Individuals
19 with Disabilities Education Act (20 U.S.C.
20 1431 et seq.), and other preschool pro-
21 grams administered by the local edu-
22 cational agency;

23 “(iv) homeless families and homeless
24 children and youths receive referrals to
25 health care services, dental services, mental

1 health and substance abuse services, hous-
2 ing services, and other appropriate serv-
3 ices;”;

4 (III) by striking clause (vi), as
5 redesignated by subclause (I), and in-
6 serting the following:

7 “(vi) public notice of the educational
8 rights of homeless children and youths is
9 disseminated in locations frequented by
10 parents and guardians of such children
11 and youths, and unaccompanied youths, in-
12 cluding schools, shelters, public libraries,
13 and soup kitchens, in a manner and form
14 understandable to the parents and guard-
15 ians of homeless children and youths, and
16 unaccompanied youths;”;

17 (IV) in clause (vii), as redesign-
18 nated by subclause (I), by striking
19 “and” at the end;

20 (V) in clause (viii), as redesign-
21 nated by subclause (I), by striking the
22 period and inserting a semicolon; and

23 (VI) by adding at the end the fol-
24 lowing:

1 “(ix) school personnel providing serv-
2 ices under this subtitle receive professional
3 development and other support; and

4 “(x) unaccompanied youths—

5 “(I) are enrolled in school;

6 “(II) have opportunities to meet
7 the same challenging State academic
8 standards as the State establishes for
9 other children and youth, including
10 through implementation of the proce-
11 dures under paragraph (1)(F)(ii); and

12 “(III) are informed of their sta-
13 tus as independent students under
14 section 480 of the Higher Education
15 Act of 1965 (20 U.S.C. 1087vv) and
16 may obtain assistance to receive
17 verification of such status for pur-
18 poses of the Free Application for Fed-
19 eral Student Aid described in section
20 483 of such Act (20 U.S.C. 1090).”;

21 (ii) in subparagraph (B), by striking
22 “and advocates” and all that follows and
23 inserting “advocates working with home-
24 less families, parents and guardians of
25 homeless children and youths, and home-

1 less children and youths who are in sec-
2 ondary school, of the duties of the local
3 educational agency liaisons, and publish an
4 annually updated list of the liaisons on the
5 State educational agency’s website.”;

6 (iii) in subparagraph (C), by adding
7 at the end the following: “Such coordina-
8 tion shall include collecting and providing
9 to the State coordinator the reliable, valid,
10 and comprehensive information and data
11 needed to meet the requirements of para-
12 graphs (1) and (3) of subsection (f).”; and

13 (iv) by adding at the end the fol-
14 lowing:

15 “(D) PROFESSIONAL DEVELOPMENT.—As
16 determined appropriate by the State coordi-
17 nator, the local educational agency liaisons shall
18 participate in the professional development ac-
19 tivities provided, and other technical assistance
20 activities provided pursuant to paragraphs (5)
21 and (6) of subsection (f), by the State coordi-
22 nator.”; and

23 (F) in paragraph (7)—

24 (i) in subparagraph (A), by striking
25 “that receives” and all that follows

1 through “enrollment” and inserting “shall
2 review and revise any policies that may act
3 as barriers to the identification of homeless
4 children and youths or enrollment”; and

5 (ii) in subparagraph (C), by striking
6 “enrollment” and inserting “identification,
7 enrollment,”; and

8 (7) by striking subsection (h).

9 **SEC. 10103. LOCAL EDUCATIONAL AGENCY SUBGRANTS.**

10 Section 723 of the McKinney-Vento Homeless Assist-
11 ance Act (42 U.S.C. 11433) is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by inserting “identi-
14 fication of homeless children and youths and”
15 before “enrollment,”; and

16 (B) in paragraph (2)(B), in the matter
17 preceding clause (i), by inserting “the related”
18 before “schools”;

19 (2) in subsection (b), by adding at the end the
20 following:

21 “(6) An assurance that the local educational
22 agency will collect and promptly provide the infor-
23 mation and data requested by the State coordinator
24 pursuant to paragraphs (1) and (3) of section
25 722(f).

1 “(7) An assurance that the applicant will meet
2 the requirements of section 722(g)(3).”;

3 (3) in subsection (c)—

4 (A) in paragraph (2)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “preschool, elemen-
7 tary, and secondary schools” and inserting
8 “early childhood education and other pre-
9 school programs, elementary schools, and
10 secondary schools,”;

11 (ii) in subparagraph (A), by inserting
12 “identification,” before “enrollment,”;

13 (iii) in subparagraph (B), by striking
14 “application—” and all that follows and
15 inserting “application reflects coordination
16 with other local and State agencies that
17 serve homeless children and youths.”; and

18 (iv) in subparagraph (C), by inserting
19 “(as of the date of submission of the appli-
20 cation)” after “practice”;

21 (B) in paragraph (3)—

22 (i) in subparagraph (C), by inserting
23 “extent to which the applicant will promote
24 meaningful” after “The”;

1 (ii) in subparagraph (D), by striking
2 “within” and inserting “into”;

3 (iii) by redesignating subparagraph
4 (G) as subparagraph (I);

5 (iv) by inserting after subparagraph
6 (F) the following:

7 “(G) The extent to which the local edu-
8 cational agency will use the subgrant to lever-
9 age resources.

10 “(H) How the local educational agency
11 uses funds to serve homeless children and
12 youths under section 1113(a)(4) of the Elemen-
13 tary and Secondary Education Act of 1965 (20
14 U.S.C. 6313(a)(4)).”; and

15 (v) in subparagraph (I), as redesi-
16 gnated by clause (iii), by striking “Such”
17 and inserting “The extent to which the ap-
18 plicant’s program meets such”; and

19 (4) in subsection (d)—

20 (A) in paragraph (1), by striking “the
21 same challenging State academic content stand-
22 ards and challenging State student academic
23 achievement standards” and inserting “the
24 same challenging State academic standards as”;

25 (B) in paragraph (2)—

1 (i) by striking “students with limited
2 English proficiency” and inserting
3 “English learners”; and

4 (ii) by striking “vocational” and in-
5 serting “career”;

6 (C) in paragraph (3), by striking “pupil
7 services” and inserting “specialized instruc-
8 tional support services”;

9 (D) in paragraph (7), by striking “and un-
10 accompanied youths,” and inserting “particu-
11 larly homeless children and youths who are not
12 enrolled in school,”;

13 (E) in paragraph (9), by striking “med-
14 ical” and inserting “other health”;

15 (F) by striking paragraph (10) and insert-
16 ing the following:

17 “(10) The provision of education and training
18 to the parents and guardians of homeless children
19 and youths about the rights of, and resources avail-
20 able to, such children and youths, and the provision
21 of other activities designed to increase the meaning-
22 ful involvement of parents and guardians of home-
23 less children or youths in the education of the chil-
24 dren or youths.”;

1 (G) in paragraph (12), by striking “pupil
2 services” and inserting “specialized instruc-
3 tional support services”;

4 (H) in paragraph (13), by inserting before
5 the period the following: “or parental mental
6 health or substance abuse problems”; and

7 (I) in paragraph (16), by striking “to at-
8 tend school” and inserting “to enroll, attend,
9 and succeed in school (including a preschool
10 program)”.

11 **SEC. 10104. SECRETARIAL RESPONSIBILITIES.**

12 Section 724 of the McKinney-Vento Homeless Assist-
13 ance Act (42 U.S.C. 11434) is amended—

14 (1) by striking subsection (c) and inserting the
15 following:

16 “(c) NOTICE.—

17 “(1) IN GENERAL.—The Secretary shall, before
18 the next school year that begins after the date of en-
19 actment of the Every Child Achieves Act of 2015,
20 update and disseminate nationwide the public notice
21 described in this subsection (as in effect prior to
22 such date) of the educational rights of homeless chil-
23 dren and youths.

24 “(2) DISSEMINATION.—The Secretary shall dis-
25 seminate the notice nationally to all Federal agen-

1 cies, and grant recipients, serving homeless families
2 or homeless children and youth.”;

3 (2) by striking subsection (d) and inserting the
4 following:

5 “(d) EVALUATION, DISSEMINATION, AND TECHNICAL
6 ASSISTANCE.—The Secretary shall conduct evaluation,
7 dissemination, and technical assistance activities for pro-
8 grams designed to meet the educational needs of homeless
9 elementary and secondary school students, and may use
10 funds appropriated under section 726 to conduct such ac-
11 tivities.”;

12 (3) in subsection (f), by adding at the end the
13 following: “The Secretary shall provide support and
14 technical assistance to State educational agencies,
15 concerning areas in which documented barriers to a
16 free appropriate public education persist.”;

17 (4) by striking subsection (g) and inserting the
18 following:

19 “(g) GUIDELINES.—The Secretary shall develop,
20 issue, and publish in the Federal Register, not later than
21 60 days after the date of enactment of the Every Child
22 Achieves Act of 2015, guidelines concerning ways in which
23 a State—

1 “(1) may assist local educational agencies to
2 implement the provisions related to homeless chil-
3 dren and youth amended by that Act; and

4 “(2) may review and revise State policies and
5 procedures that may present barriers to the identi-
6 fication of homeless children and youth, and the en-
7 rollment, attendance, and success of homeless chil-
8 dren and youths in school.”;

9 (5) in subsection (h)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “periodically” and inserting
12 “periodically but not less frequently than once
13 every 2 years,”;

14 (B) in subparagraph (A), by striking “lo-
15 cation” and all that follows and inserting “loca-
16 tion (in cases in which location can be identi-
17 fied) of homeless children and youth, in all
18 areas served by local educational agencies under
19 this subtitle,”;

20 (C) in subparagraph (C), by striking
21 “and” at the end;

22 (D) by redesignating subparagraph (D) as
23 subparagraph (E); and

24 (E) by inserting after subparagraph (C)
25 the following:

1 “(D) the academic progress being made by
2 homeless children and youth, including the per-
3 centage or number of homeless children and
4 youth participating in State assessments under
5 section 1111(b)(2) of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C.
7 6311(b)(2)); and”;

8 (6) in subsection (i), by striking “McKinney-
9 Vento Homeless Education Assistance Improvements
10 Act of 2001” and inserting “Every Child Achieves
11 Act of 2015”.

12 **SEC. 10105. DEFINITIONS.**

13 Section 725(6) of the McKinney-Vento Homeless As-
14 sistance Act (42 U.S.C. 11434a(6)) is amended by strik-
15 ing “youth” and inserting “homeless child or youth”.

16 **SEC. 10106. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 726 of the McKinney-Vento Homeless Assist-
18 ance Act (42 U.S.C. 11435) is amended to read as follows:

19 **“SEC. 726. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to carry out
21 this subtitle such sums as may be necessary for each of
22 fiscal years 2016 through 2021.”.

1 **PART B—OTHER LAWS; MISCELLANEOUS**

2 **SEC. 10201. USE OF TERM HIGHLY QUALIFIED IN OTHER**
3 **LAWS.**

4 Beginning on the date of the enactment of this Act,
5 any reference in law to the term “highly qualified”, as de-
6 fined in section 9101 of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 7801), shall be treated
8 as a reference to such term under section 9101 of the Ele-
9 mentary and Secondary Education Act of 1965 as in effect
10 on the day before the date of the enactment of this Act.

Calendar No. 63

114TH CONGRESS
1ST Session

S. 1177

A BILL

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

APRIL 30, 2015

Read twice and placed on the calendar